

By Mr. LOUDENSLAGER: Petition of Daughters of Liberty, Elmer, N. J., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MANN: Paper to accompany bill for relief of George S. Green—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Albert W. Boggs, Laura E. Glover, and Thaddeus C. S. Brown—to the Committee on Invalid Pensions.

By Mr. MAYNARD: Petition of Valley Forge Council, No. 45, Newport News, Va., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MINOR: Petition of citizens of Champion, Wis., and citizens of Fish Creek, Wis., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MOON of Tennessee: Papers to accompany bill for relief of heirs of John A. Heard, heirs of Alexander L. Anderson, and Martin V. Easterly—to the Committee on War Claims.

By Mr. NORRIS: Petition of Nebraska Cement Users' Association, for continued investigation of structural material by the Geological Survey—to the Committee on Appropriations.

By Mr. PALMER: Petition of Frank A. Zerfoss et al., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. PAYNE: Paper to accompany bill for relief of Henry Power, Esck W. Hoff, Joseph H. Truax, and Lewis F. Belden—to the Committee on Invalid Pensions.

Also, petition of various granges in Oregon, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. RHODES: Petition of Green Ridge Mission, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of Ward Cunningham et al., against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. RIVES: Petition of many citizens of New York and vicinity for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of National Association of Cement Users, of Nebraska, for continuance by United States Geological Survey of tests in structural material—to the Committee on Appropriations.

By Mr. RIXEY: Paper to accompany bill for relief of Chapawamsic Primitive Church, Stafford County, Va.—to the Committee on War Claims.

Also, paper to accompany bill for relief of legal representatives of E. A. W. Hoe, late of Stafford County, Va.—to the Committee on War Claims.

By Mr. RUCKER: Petition of citizens of Missouri, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SHARTEL: Petition of L. B. Ream, et al., for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. SHEPPARD: Paper to accompany bill for relief of Virginia A. Hieborn—to the Committee on Pensions.

By Mr. SHERMAN: Paper to accompany bill for relief of Nettie A. Hill—to the Committee on Invalid Pensions.

By Mr. SIBLEY: Petition of citizens of Warren County, Pa., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SMITH of Kentucky: Petition of Hiram Atkinson et al., for relief of Sampson M. Archar and others—to the Committee on War Claims.

By Mr. SPERRY: Petition of citizens of New Haven, Conn., against sale of liquor in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. STEENERSON: Petition of A. L. Ward, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. SULLIVAN of New York: Petition of Japanese and Korean Exclusion League, for Chinese-exclusion law as it is—to the Committee on Foreign Affairs.

Also, petition of Brooklyn Central Labor Union, for building battle ships at Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of Robert S. Waddell, against powder monopoly—to the Committee on Military Affairs.

Also, petition of Interstate Commerce Law Convention, for the President's recommendation relative to railway rate control—to the Committee on Interstate and Foreign Commerce.

Also, petition of Yale & Towne Manufacturing Company, against repeal of national bankruptcy act—to the Committee on the Judiciary.

Also, petition of American Free Art League, for repeal of duty on art works—to the Committee on Ways and Means.

Also, petition of American Humane Society, against bill S. 3413—to the Committee on Interstate and Foreign Commerce.

Also, petition of N. D. Laillhard & Co., New York, and Daniel O'Dell & Co., New York, for the Williams-Mallory bills—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. B. Colt Company, for regulation of quarantine by Government in Gulf ports—to the Committee on Interstate and Foreign Commerce.

Also, petition of Peter Henderson, against seed distribution—to the Committee on Agriculture.

Also, petition of C. A. Auffmordt & Co., for Government quarantine regulation in Gulf ports—to the Committee on Interstate and Foreign Commerce.

Also, petition of Allied Boards of Trade, Brooklyn, N. Y., for building battle ships at Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, resolutions of legislatures of several States for regulation of freight rates by Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Board of Trade, for forestry reservations and irrigation—to the Committee on Agriculture.

Also, petition of Commercial Travelers' Mutual Accident Association, for amendment to bankruptcy law—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of John B. Wolf—to the Committee on War Claims.

By Mr. TIRRELL: Petitions of many citizens of New York and vicinity for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. WILLIAMS: Petition of Independent Refiners' Association, for railway rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. WILEY: Paper to accompany bill for relief of William B. McAllister—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, March 27, 1906.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 4198. An act granting permission to Prof. Simon Newcomb, United States Navy, retired, to accept the decoration of the order "Pour le Mérite, für Wissenschaften und Kunst";

S. 4628. An act providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected, and to select other lands from the public domain in lieu thereof;

S. 4833. An act to amend an act entitled "An act permitting the Washington Market Company to lay a conduit and pipes across Seventh street west," approved February 23, 1905; and

S. 5184. An act to authorize the construction of a bridge across the Missouri River between Walworth and Dewey counties, in the State of South Dakota.

The message also announced that the House had passed the following bills, with amendments in which it requested the concurrence of the Senate:

S. 5204. An act to authorize the construction of a bridge or bridges across the Yellowstone River in Montana; and

S. 5211. An act to authorize the construction of a bridge across the Snake River at or near Lewiston, Idaho.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 125. An act regulating the retent on contracts with the District of Columbia; and

H. R. 14467. An act for the relief of Capt. George E. Pickett, paymaster, United States Army.

The message also announced that the House had agreed to the concurrent resolution of the Senate accepting the invitation extended to the Congress of the United States by the American Philosophical Society of Philadelphia, Pa., to attend the celebration of the two hundredth anniversary of the birth of Benjamin Franklin, to be held at Philadelphia, Pa., commencing April 17, 1906.

The message further announced that the House had passed

the following bills and joint resolutions; in which it requested the concurrence of the Senate:

H. R. 5972. An act granting the right to sell burial sites in parts of certain streets in Washington City to the vestry of Washington parish for the benefit of the Congressional Cemetery;

H. R. 8278. An act authorizing the Secretary of the Interior to issue patent to Keystone Camp, No. 2879, of the Modern Woodmen of America, to certain lands for cemetery purposes;

H. R. 9329. An act to amend an act approved February 28, 1903, entitled "An act to provide for a Union Station in the District of Columbia, and for other purposes;"

H. R. 11026. An act to authorize the counties of Holmes and Washington to construct a bridge across the Yazoo River, Mississippi;

H. R. 14578. An act to provide for the establishment of a public crematorium in the District of Columbia, and for other purposes;

H. R. 14591. An act to authorize the construction of a bridge across the Cumberland River in or near the city of Clarksville, State of Tennessee;

H. R. 14592. An act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn.;

H. R. 15259. An act to authorize the North Mississippi Traction Company to construct dams and power stations on the Bear River on the northeast quarter of section 31, township 5, range 11, in Tishomingo County, Miss.;

H. R. 15435. An act to empower the Secretary of War to convey to the city of Minneapolis certain lands in exchange for other lands, to be used for fowage purposes;

H. R. 15740. An act amending an act entitled "An act for the extension of M street east of Bladensburg road, and for other purposes," approved March 3, 1905;

H. R. 16140. An act authorizing the maintaining and operating for toll an existing structure across Tugaloo River, known as "Knox's Bridge," at a point where said river is the boundary between the States of South Carolina and Georgia;

H. R. 16484. An act to amend section 1 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901;

H. R. 16944. An act to amend section 878 of the Code of Law for the District of Columbia;

H. R. 17135. An act providing that the State of Montana be permitted to relinquish to the United States certain lands heretofore selected and select other lands from the public domain in lieu thereof;

H. J. Res. 11. Joint resolution for the publication of eulogies delivered in Congress on Hon. John W. Crawford, late a Representative in Congress;

H. J. Res. 127. Joint resolution to correct abuses in the public printing and to provide for the allotment of cost of certain documents and reports; and

H. J. Res. 128. Joint resolution to prevent unnecessary printing and binding and to correct evils in the present method of distribution of public documents.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the legislative assembly of San Juan, P. R., praying for the enactment of legislation to protect the coffee industry of that Territory; which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the Presbyterian, Congregational, and Reformed Ministers' Association, of Baltimore, Md., praying for an investigation of the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. PLATT presented a petition of Ganesvoort Chapter, Daughters of the American Revolution, of Albany, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented sundry petitions of Empire Council, No. 28, Junior Order of United American Mechanics, of Greenport, N. Y., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. CULLOM. I present a long paper in the form of a letter addressed to the Secretary of the Treasury, the Members of Congress, committees on tariff, etc., concerning the tariff on chemicals. I ask that the paper be referred to the Committee on Finance.

The VICE-PRESIDENT. Does the Senator from Illinois wish to have the paper printed?

Mr. CULLOM. I do not think it necessary to order the

printing now. The committee will ascertain whether it is important to have it printed.

The VICE-PRESIDENT. The paper will be referred to the Committee on Finance.

Mr. CULLOM presented petitions of the Catholic Women's League of Peoria, the Clio Club of Pana, the Clio Club of Olney, and the Woman's Club of Atlantis, all of the General Federation of Women's Clubs in the State of Illinois, praying for an investigation into the industrial condition of the women of the country; which were referred to the Committee on Education and Labor.

Mr. DILLINGHAM presented petitions of the Monday Club of Rochester, of the Unity Club of Rutland, and of the Woman's Club of Morrisville, all in the State of Vermont, praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

He also presented petitions of the Noel House Social Settlement Committee, of Washington, D. C.; of the Associated Charities of Cleveland, Ohio; of the Consumers' League of Maryland, of Baltimore, Md.; of the Charity Organization Society of Paterson, N. J.; of the Woman's Club of Orange, N. J.; of the Council of Jewish Women of New York City, N. Y., and of the National Consumers' League, of New York City, N. Y., praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. SCOTT presented a petition of Morning Glory Council, No. 13, Daughters of Liberty, of Paint Creek, W. Va., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. WARNER presented sundry papers to accompany the following bills; which were referred to the Committee on Pensions:

A bill (S. 2502) granting an increase of pension to Stephen M. Fitzwater;

A bill (S. 2503) granting a pension to Martina Danenmueller;

A bill (S. 2504) granting an increase of pension to Jonathan B. W. Bennington;

A bill (S. 2505) granting a pension to Edwin F. Foster, alias Paul Gillon;

A bill (S. 2506) granting a pension to Samuel H. Gott;

A bill (S. 2507) granting an increase of pension to William Wheeler;

A bill (S. 2508) granting an increase of pension to Rosanna Zahn;

A bill (S. 2509) granting an increase of pension to Albert Sriver;

A bill (S. 2511) granting a pension to James P. Hopkins;

A bill (S. 2513) granting a pension to William D. Foster;

A bill (S. 2515) granting a pension to Nathan Goodman;

A bill (S. 2516) granting a pension to Mary C. McCaw;

A bill (S. 2517) granting a pension to Charles Herbst;

A bill (S. 2518) granting a pension to Frederick Hartman;

A bill (S. 2519) granting a pension to John Hobart;

A bill (S. 2520) granting an increase of pension to Albert H. Hannaford;

A bill (S. 2521) granting an increase of pension to R. R. Dill;

A bill (S. 2522) granting a pension to Thomas J. Hughes;

A bill (S. 2523) granting a pension to Celestine Grojean;

A bill (S. 2524) granting a pension to Freda Burrow; and

A bill (S. 2525) granting an increase of pension to Perry B. Sibley.

Mr. WARNER presented sundry papers to accompany the bill (S. 2755) for the relief of William Wilson; which were referred to the Committee on Military Affairs.

He also presented sundry papers to accompany the bill (S. 2757) for the relief of Henry Nichol; which were referred to the Committee on Claims.

He also presented sundry papers to accompany the following bills; which were referred to the Committee on Pensions:

A bill (S. 2758) granting an increase of pension to William McCan;

A bill (S. 2759) granting an increase of pension to William B. Mitchell;

A bill (S. 2760) granting a pension to Eliza J. Glover;

A bill (S. 2761) granting an increase of pension to George W. King;

A bill (S. 2762) granting an increase of pension to Abram J. Bozarth;

A bill (S. 2763) granting an increase of pension to William Kelly;

A bill (S. 2764) granting an increase of pension to Archibald T. Stewart;

A bill (S. 2765) granting a pension to John Wier;

A bill (S. 2766) granting a pension to William H. Thomas; and

A bill (S. 4518) granting an increase of pension to Van Buren Beam.

Mr. WARNER presented sundry papers to accompany the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which were referred to the Committee on Territories.

Mr. CLARK of Montana presented the memorial of John M. Steward, John Lindsay, Joseph Williams, and sundry other citizens of Butte, Mont., remonstrating against the enactment of legislation to encourage the reclamation of certain tracts of arid land in the State of Montana and to provide relief for the owners of inundated lands, and also praying that they be granted a hearing before the Committee on Irrigation and Reclamation of Arid Lands when this bill shall be considered; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. HALE presented petitions of the Woman's Literary Union of Androscoggin County; the Current Events Club, of Portland; the Pierian Club, of Presque Isle; the Barton Reading Club, of Norway; the Educational and Industrial Union, of Saco; the Monday Club, of Portland; the Woman's Literary Union of Portland, and the women's clubs of South Berwick, Orono, and Old Orchard, all of the General Federation of Women's Clubs, in the State of Maine, praying for an investigation into the industrial condition of the women of the country; which were referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Jackson, Me., praying for the passage of the so-called "railroad rate bill;" which was ordered to lie on the table.

Mr. HEMENWAY presented petitions of A. G. Amsden Lodge, No. 23, Brotherhood of Railroad Trainmen, of Elkhart; of the Associated Charities of Evansville, and of the Associated Charities of Anderson, all in the State of Indiana, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a memorial of the Indiana Retail Merchants' Association, remonstrating against the passage of the so-called "parcels-post bill" and praying for the establishment of a 1-cent postage rate; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Conversation Club of Valparaiso, Ind., and a petition of the Women's Study Club, of Michigan City, Ind., praying for an investigation into the industrial conditions of the women of the country; which were referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 203, American Federation of Musicians, of Hammond, Ind., and a petition of Local Union No. 331, American Federation of Musicians, of Rochester, Ind., praying for the enactment of legislation to prohibit the employment of Government musicians in competition with civilian musicians; which were referred to the Committee on Naval Affairs.

Mr. HOPKINS presented petitions of the Wicker Park Culture Club, the Alternate Club, the Lake View Woman's Club, of Chicago, and the Nineteenth Century Club of Oak Park, all in the State of Illinois, praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which were ordered to lie on the table.

He also presented a petition of Greenville College, Greenville, Ill., and a petition of the Browns Business College, Peoria, Ill., praying for the enactment of legislation relative to the rates of postage on college publications; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Altgeld Lodge, No. 460, International Association of Machinists, of Waukegan, Ill., and a petition of the Trades and Labor Council of Waukegan, Ill., praying for the enactment of legislation to regulate the compensation of skilled mechanics employed in the Naval Gun Factory at the navy-yard, Washington, D. C.; which were referred to the Committee on Naval Affairs.

He also presented petitions of the Musical Protective Unions of Galesburg, Aurora, Quincy, and Sterling, all in the State of Illinois, praying for the enactment of legislation prohibiting the employment of Government musicians in competition with civilian musicians; which were referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of Harpe, Teheran, Saybrook, Marshall, Mount Carmel, Durand, Monmouth, Elgin, and Chicago, all in the State of Illinois, praying for the enactment of legislation to remove the duty on de-

naturalized alcohol; which were referred to the Committee on Finance.

He also presented memorials of the American Well Works, of Aurora; of the Manufacturers' Association of Bellville, and of the George P. Bent Manufacturing Company, of Chicago, all in the State of Illinois, remonstrating against the passage of the so-called "anti-injunction bill;" which were referred to the Committee on the Judiciary.

He also presented the petition of Francis T. A. Junkin, of Chicago, Ill., praying for the enactment of legislation to establish a laboratory for the study of the criminal, pauper, and defective classes; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Rockford, Decatur, and Peoria, all in the State of Illinois, and of New York City, N. Y., praying for the passage of the so-called "Hepburn-Dooliver railroad rate bill;" which were ordered to lie on the table.

He also presented petitions of Local Division No. 469, Brotherhood of Railroad Trainmen, of Charleston, Ill., and a petition of John Player Division, No. 458, Brotherhood of Locomotive Engineers, of Chicago, Ill., praying for the passage of the so-called "employers' liability bill," and also the "anti-injunction bill;" which were referred to the Committee on Interstate Commerce.

He also presented petitions of Greene & Greene, bankers, of Tallula; of the State Bank, of Chicago; of the Union Trust Company, of Chicago, and of the Continental National Bank, of Chicago, all in the State of Illinois, praying for the enactment of legislation relating to uniform bills of lading; which were referred to the Committee on Interstate Commerce.

He also presented a memorial of Local Union No. 448, United Brotherhood of Carpenters and Joiners of America, of Waukegan, Ill., and a memorial of the Trades and Labor Assembly of Quincy, Ill., remonstrating against the repeal of the present Chinese exclusion law; which were referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (S. 5288) appropriating \$5,000 to inclose and beautify the monument on the Moores Creek battlefield, North Carolina, reported it without amendment, and submitted a report thereon.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, reported an amendment proposing to appropriate \$10,000 for the preparation of the four volumes of the Consolidated Index to the United States Statutes at Large from March 4, 1789, to March 3, 1903, under Senate resolution of June 19, 1902, intended to be proposed to the general deficiency appropriation bill, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, reported an amendment providing for the printing, binding, and distribution of the Consolidated Index to the United States Statutes at Large from March 4, 1789, to March 3, 1903, etc., intended to be proposed to the sundry civil appropriation bill, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 8997) to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. OVERMAN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12028) granting relief to John W. Donovan;

A bill (H. R. 13247) for the relief of John H. Tharp, of Eversonville, Mo.;

A bill (H. R. 12286) granting relief to the estate of James Staley, deceased; and

A bill (S. 1218) for the relief of Louise Powers McKee, administratrix.

Mr. SIMMONS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2368) for the relief of the Postal Telegraph Cable Company, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 5358) to remove the charge of desertion from the record of Edward Kelly; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5359) granting an increase of pension to William H. Ward; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALLISON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5360) granting an increase of pension to James Brown; and

A bill (S. 5361) granting an increase of pension to J. H. Peters.

Mr. CULLOM introduced a bill (S. 5362) to finally adjust the swamp-land grants, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 5363) granting an increase of pension to L. D. Hartwell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FULTON introduced a bill (S. 5364) granting a pension to Lewis Cole; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 5365) to appoint Joseph Y. Porter a lieutenant-colonel and assistant surgeon and to place him on the retired list of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SMOOT introduced a bill (S. 5366) granting an increase of pension to John Beatty; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LATIMER introduced a bill (S. 5367) to provide for the erection of a monument to Gen. Andrew Pickens; which was read twice by its title, and referred to the Committee on the Library.

Mr. WARNER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5368) granting an increase of pension to William P. Watkins;

A bill (S. 5369) granting an increase of pension to Joseph E. Jackson;

A bill (S. 5370) granting a pension to Michael Champlain; and

A bill (S. 5371) granting a pension to Smith Thompson.

Mr. PILES introduced a bill (S. 5372) to prevent dangers to navigation from rafts of logs or timbers on coast waters of the United States; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 5373) to remove the charge of desertion from the military record of James T. Wellman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. WARREN introduced a bill (S. 5374) granting a pension to Floyd A. Honaker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 5375) granting an increase of pension to Frances L. Porter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FLINT introduced a bill (S. 5376) providing for the reclamation of lands in the Sacramento and San Joaquin valleys, in the State of California; which was read twice by its title, and referred to the Committee on Irrigation.

Mr. BACON introduced a bill (S. 5377) for the relief of James I. Fountain; which was read twice by its title, and referred to the Committee on Claims.

Mr. SPOONER introduced a bill (S. 5378) removing the charge of desertion from the name of William R. Garner; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5379) granting an increase of pension to Otto A. Risum; and

A bill (S. 5380) granting an increase of pension to Richard Jones.

Mr. HEMENWAY introduced a bill (S. 5381) to amend an act to incorporate the Supreme Lodge of the Knights of Pythias; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 5382) granting an increase of pension to Lawrence H. McGinnis; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5383) granting an increase of

pension to Greenberry B. Patterson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Commerce.

A bill (S. 5384) to amend rule 12 of section 4233 of the Revised Statutes of the United States, relating to lights on water craft;

A bill (S. 5385) to amend an act entitled "An act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States, approved June 7, 1897; and

A bill (S. 5386) to amend an act entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters," approved February 8, 1895.

Mr. HOPKINS introduced a bill (S. 5387) granting an increase of pension to Lorenzo D. Hartwell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 5388) to authorize the acquisition of land and a building for the United States legation in Constantinople; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. NEWLANDS introduced a bill (S. 5389) granting an increase of pension to Benjamin F. Woods; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WETMORE introduced a joint resolution (S. R. 45) authorizing a commission to examine the battlefields around Petersburg, Va., and report whether it is advisable to establish a battlefield park; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. FLINT submitted an amendment proposing to appropriate \$200,000 for examinations and surveys for the location of reclamation and irrigation works in the valleys of the Sacramento and San Joaquin rivers in California and on streams tributary thereto, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TELLER submitted sundry amendments to accompany the bill (S. 3245) creating the Mesa Verde National Park; which were ordered to lie on the table, and be printed.

REGULATION OF RAILROAD RATES.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which was ordered to lie on the table, and be printed.

Mr. SIMMONS submitted an amendment intended to be proposed by him to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which was ordered to lie on the table, and be printed.

WITHDRAWAL OF PAPERS—ALBERT S. SCROGGINS.

Mr. SCOTT. I submit an order which I send to the desk.

The VICE-PRESIDENT. The order will be read.

The Secretary read the order, as follows:

Ordered, That leave be granted to withdraw from the files of the Senate, without leaving copies, the papers in the case of Senate bill 4333, a bill granting an increase of pension to Albert S. Scroggins, Fifty-ninth Congress, no adverse report having been made thereon.

Mr. SPOONER. What is the object of the provision "without leaving copies?" I do not know whether that is usual or not.

The VICE-PRESIDENT. The Chair understands the rule to require that copies shall be left only in case there has been an adverse report. The order just read discloses the fact that no adverse report has been made.

The order was agreed to.

D'ANGER'S BUST OF WASHINGTON.

On motion of Mr. WETMORE, it was

Ordered, That the 500 copies of the report of the proceedings on the occasion of the presentation to the United States of a bust of Washington by certain citizens of France, which have been bound in cloth and lately delivered to the Senate document room, be transferred to the Senate folding room and placed to the credit of Senators; and that the fraction remaining after such allotment shall be placed to the credit of the Committee on the Library for distribution.

PUBLIC PRINTING AND THE DISTRIBUTION OF DOCUMENTS.

Mr. PLATT. I ask that the joint resolutions which have just been received from the House of Representatives relating to public printing and binding, etc., be laid before the Senate with a view to their passage.

The VICE-PRESIDENT. The Chair lays before the Senate a joint resolution from the House of Representatives, which will be read for the information of the Senate.

The joint resolution (H. J. Res. 127) to correct abuses in the public printing and to provide for the allotment of cost of certain documents and reports was read the first time by its title and the second time at length, as follows:

Resolved, etc., That hereafter, in the printing and binding of documents or reports emanating from the Executive Departments, bureaus, and independent offices of the Government, the cost of which is now charged to the allotment for printing and binding for Congress, or to appropriations or allotments of appropriations other than those made to the Executive Departments, bureaus, or independent offices of the Government, the cost of illustrations, composition, stereotyping, and other work involved in the actual preparation for printing, apart from the creation of manuscript, shall be charged to the appropriation or allotment of appropriation for the printing and binding of the Department, bureau, or independent office of the Government in which such documents or reports originate; the balance of cost shall be charged to the allotment for printing and binding for Congress, and to the appropriation or allotment of appropriation of the Executive Department, bureau, or independent office of the Government, in proportion to the number delivered to each; the cost of any copies of such documents or reports distributed otherwise than through Congress, or the Executive Departments, bureaus, and independent offices of the Government, if such there be, shall be charged as heretofore: *Provided*, That on or before the 1st day of December in each fiscal year each Executive Department, bureau, or independent office of the Government to which an appropriation or allotment or appropriation for printing and binding is made, shall obtain from the Public Printer an estimate of the probable cost of all publications of such Department, bureau, or independent office now required by law to be printed, and so much thereof as would, under the terms of this resolution, be charged to the appropriation or allotment of appropriation of the Department, bureau, or independent office of the Government in which publications originate, shall thereupon be set aside to be applied only to the printing and binding of such documents and reports, and shall not be available for any other purpose until all of such allotment of cost on account of such documents and reports shall have been fully paid.

This resolution shall be effective on and after July 1, 1906.

Mr. PLATT. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PLATT. I move that the joint resolution (S. R. 44) to correct abuses in the public printing and to provide for the allotment of cost of certain documents and reports be indefinitely postponed.

The motion was agreed to.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. J. Res. 128) to prevent unnecessary printing and binding and to correct evils in the present method of distribution of public documents; which was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That the Joint Committee on Printing is hereby authorized and directed to establish rules and regulations, from time to time, which shall be observed by the Public Printer, whereby public documents and reports printed for Congress, or either House thereof, may be printed in two or more editions, instead of one, to meet the public requirements: *Provided*, That in no case shall the aggregate of said editions exceed the number of copies now authorized or which may hereafter be authorized: *And provided further*, That the number of copies of any public document or report now authorized to be printed or which may hereafter be authorized to be printed for any of the Executive Departments, or bureaus or branches thereof, or independent offices of the Government may be supplied in two or more editions, instead of one, upon a requisition on the Public Printer by the official head of such Department or independent office, but in no case shall the aggregate of said editions exceed the number of copies now authorized or which may hereafter be authorized: *Provided further*, That nothing herein shall operate to obstruct the printing of the full number of any document or report, or the allotment of the full quota to Senators and Representatives, as now authorized, or which may hereafter be authorized, when a legitimate demand for the full complement is known to exist.

Mr. PLATT. I ask for the present consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PLATT. I move that the joint resolution (S. R. 43) to prevent unnecessary printing and binding and to correct evils in the present method of distribution of public documents be indefinitely postponed.

The motion was agreed to.

REGULATION OF RAILROAD RATES.

Mr. KNOX. Mr. President, I desire to give notice that tomorrow morning, after the close of the morning business, with the permission of the Senate, I will submit some remarks in connection with the pending rate bill.

RAINY RIVER BRIDGE IN MINNESOTA.

Mr. NELSON. I ask unanimous consent for the consideration of the bill (S. 4825) to provide for the construction of a bridge across Rainy River, in the State of Minnesota.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 2, page 2, line 13, after the words "United States," to insert: "and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal, telegraph, and telephone purposes;" so as to make the section read:

Sec. 2. That any bridge built under this act and subject to its limits shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transportation over the same of the mails, troops, and munitions of war of the United States than the rate per mile for the transportation over the railroads or public highways leading to said bridge, and it shall enjoy the rights and privileges of other post-roads in the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal, telegraph, and telephone purposes.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 22, after the word "river," to strike out the words "leaving a clear waterway of not less than — feet on one side of the pivot pier" and insert "affording such clear widths of openings as the Secretary of War may decide to be necessary;" so as to read:

Sec. 3. That unless the Secretary of War shall find and determine that said bridge as actually located is situate at a point where the said Rainy River is not navigable for boats, the said bridge shall have a draw or draws over the main channel of said river, affording such clear widths of openings as the Secretary of War may decide to be necessary, unless the plan of said bridge, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FEES OF JURORS AND WITNESSES.

Mr. CLARK of Wyoming. I ask unanimous consent for the present consideration of the bill (S. 536) amending the act of August 3, 1892, clause 361, entitled "An act fixing the fees of jurors and witnesses in the United States courts in certain States and Territories." (27 Stat. L., p. 347.)

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, on page 1, line 4, before the words "three hundred and sixty-one," to strike out "clause" and insert "chapter;" and on page 2, line 5, after the word "day," to strike out "during such attendance;" so as to read:

That the act of August 3, 1892, chapter 361, Twenty-seventh Statutes at Large, page 347, entitled "An act fixing the fees of jurors and witnesses in the United States courts in certain States and Territories," be so amended as to read: "That jurors and witnesses in the United States courts, including commissioners' courts, in the States of Wyoming, Montana, Washington, Oregon, California, Nevada, Idaho, Colorado, and Utah, and in the Territories of New Mexico and Arizona shall be entitled to receive for actual attendance at any court or courts, including commissioners' courts, and for the time necessarily occupied in going to and returning from the same, \$3 a day, and 15 cents for each mile necessarily traveled over any stage line, or by private conveyance, and 5 cents for each mile over any railway, in going to and returning from said courts.

The amendment was agreed to.

The next amendment was, on page 2, line 9, after the word "Provided," to insert:

That for such portion of his travel as shall be made by railway such witness shall be entitled, at his election, to receive, in lieu of his mileage for such portion of his travel, the amount of his actual and necessary expense for railway fare, not to exceed, however, the amount required to be paid as railway fare for carriage over the most direct route available for his travel in going to and returning from the place of trial or hearing: *And provided further*.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill amending the act of August 3, 1892, chapter 361, entitled 'An act fixing the fees

of jurors and witnesses in the United States courts in certain States and Territories." (27 Stat. L., p. 347.)"

PITTSBURG STANDARD COAL COMPANY.

Mr. GALLINGER obtained the floor.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from South Carolina?

Mr. GALLINGER. I yield.

Mr. TILLMAN. I wish to recur to morning business for a few minutes, if the Senator will kindly permit me. I got in a little late.

Mr. GALLINGER. Certainly; I yield to the Senator for that purpose.

The VICE-PRESIDENT. Morning business will be received.

Mr. TILLMAN. As I have just explained, I was not here when this order of business came up; and I send to the desk and ask to have read a communication relating to the railroad situation in Pennsylvania. I do this in accordance with the kind suggestion of the Senator from West Virginia [Mr. Scott] that this matter should be brought to the attention of the Senate and of the country every day.

The VICE-PRESIDENT. The Senator from South Carolina sends to the desk a communication, which he asks may be read. Without objection, the Secretary will read it.

The communication was read and ordered to lie on the table, as follows:

PITTSBURG STANDARD COAL COMPANY,
Carrick, Pa., February 27, 1906.

Hon. BENJAMIN TILLMAN,
Washington, D. C.

DEAR SIR: The Hepburn bill relating to railway discrimination has some attraction for our company. We are sufferers by the railway company's discrimination against us, and desire that our case be submitted to the Commission investigating this matter. Our coal property is situated 31 miles west of Pittsburg on the Pittsburg, Cincinnati, Chicago and St. Louis Railway. We purchased coal lands, opened our mines, built our tipples, and graded for side tracks, bought railway ties and other material, and had options on other coal lands adjoining. We have expended over \$50,000 on this property and contemplated investing \$150,000, but the railway company emphatically refused to make any switch connection for us with their main line in order to transport our product to market. We began negotiations for a switch connection with the railway company February, 1903 (three years ago), and we have no assurance to-day that we will ever obtain a switch connection from the said railway company. Our investment is laying idle and our improvements going to decay. In writing to the first vice-president, Mr. James McCrea, of this railway company, he replied to me on the 23d instant that he had no objection to taking our case before the Commission. In submitting this matter to your consideration it brings our case before the public, and we are anxious to have it decided in that manner.

Yours, very truly,

SAMUEL KINSEY, President.

CAMPAIGN CONTRIBUTIONS BY NATIONAL BANKS.

Mr. TILLMAN. Mr. President, there is another little matter to which I desire to refer, or rather upon which I want some information.

In the earlier days of the session I introduced a resolution, and the Senate referred it to the Committee on Privileges and Elections, relating to contributions by national banks to campaign funds. A couple of weeks ago that committee kindly gave me a hearing to make such an exhibit of facts as I had gathered; and I was a little astonished to find that the crime, for I think it must be a crime under the law, to which the resolution had reference, was acknowledged by everybody. There seemed to be no dispute about it at all in the minds of the committee, saying that the national banks had contributed to the campaign fund in 1896, that everybody knew it, that they had contributed to the storm sufferers, and other things like that, etc. The committee practically refused or seemed to pooh-poo the idea of an investigation, and my action was met by having a subcommittee appointed to consider and report a bill to the Senate, by which this practice or offense against the laws should be stopped and some stringent legislation had. I am aware that one of the members of that committee has been absent on account of sad and unavoidable circumstances, and therefore I am not disposed to find any fault with the inaction or nonaction of the committee in not moving actively along this line.

But recent events have brought to my attention another phase of this subject which I had not thought of when I went before the committee. I noticed in the papers some days ago that there was some question in the mind of District Attorney Jerome as to whether there was any law under which the trustees of the insurance companies in New York, who had been guilty of this same act, were punishable, whether they had committed any crime under the statute which would carry them into court under an indictment. Judge O'Sullivan did not seem to agree with the district attorney, and thus we have two great lawyers, one on the bench and the other ready to go there as far as ability goes, or to go higher, who do not seem to think alike in regard to that insurance transaction.

But in regard to national banks there can be no doubt whatever, and it is that phase of the subject which causes me to reopen this question, with the purpose of directing the attention of the Senate to it. I want to read for the further information of those who are not entirely familiar with it, section 5209 of the Revised Statutes:

SEC. 5209. Every president, director, cashier, teller, clerk, or agent of any association who embezzles, abstracts, or willfully misapplies any of the moneys, funds, or credits of the association; or who, without authority from the directors, issues or puts in circulation any of the notes of the association; or who, without such authority, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment, or decree; or who makes any false entry in any book, report, or statement of the association, with intent, in either case, to injure or defraud the association or any other company, body politic or corporate, or any individual person, or to deceive any officer of the association, or any agent appointed to examine the affairs of any such association; and every person who with like intent aids or abets any officer, clerk, or agent in any violation of this section, shall be deemed guilty of a misdemeanor, and shall be imprisoned not less than five years nor more than ten.

Now, Mr. President, if it can be shown that national banks, in 1896, and probably since, have been guilty of disobeying this section and of contributing of the funds of the bank to campaign committees, it seems to me there is a clear case of crime which ought to be investigated, and the men guilty of this disobedience of law called to account.

I am not prepared this morning to go into the details of this subject, but I will state, as a matter of general information just now, which I will undertake to prove at the proper time, that in one city of the second size, of which I have the name, in 1896 \$17,000, or thereabouts, was contributed to the Republican campaign fund. And I have reason to believe that year the national banks of the United States contributed probably a million dollars to that campaign fund. It was with a view of calling briefly this morning the attention of the Senate to these facts that I have thought it worth while to mention the matter in connection with some other things which are transpiring that are of very great general interest, and which relate more particularly to the railway rate legislation with which the Senate is now wrestling.

For instance, Judge Humphreys the other day rendered a very important and far-reaching decision in regard to the criminality of the officers of certain corporations, under which those officers have been invited to put on their hats and walk out of court; and we are told blandly and, I suppose, authoritatively that that will probably be the end of it, although there is some discussion of the propriety and necessity of an appeal to the Supreme Court to see whether that court holds the same view as Judge Humphreys. I saw a cartoon—

Mr. LODGE. Will the Senator permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. With pleasure.

Mr. LODGE. Was not that a criminal prosecution?

Mr. TILLMAN. I so understand it.

Mr. LODGE. Then how is the United States going to appeal?

Mr. TILLMAN. That is my trouble. I find so much anxiety here to take care of the corporations and so little desire to punish the corporator.

Mr. LODGE. Oh, no. The Senator said the question of the propriety of an appeal was being considered.

Mr. TILLMAN. I saw it in a newspaper.

Mr. LODGE. The propriety of an appeal can not be considered, because the United States is unable to take an appeal in such a case, as I understand.

Mr. TILLMAN. I am glad the Senator's superior knowledge of the law illuminates my ignorance. I had, however, read at some time, somewhere, that a man could not be put in jeopardy of life or limb in the way of a criminal indictment but once. I am glad the Senator reminds me there is no appeal; but Judge Humphreys, one of these immaculate Federal judges of whom we hear so often, has caught that corporation by the nape of the neck, and in a cartoon which I saw a day or two ago the situation is graphically depicted of a policeman who has grabbed a man of straw—one of those scarecrows which we hang up in the South and elsewhere to keep the crows from pulling up the corn. It is stuffed with straw, it has on a hat and a coat, and has all the semblance of a man, but there is nothing about him that you can hurt, unless you tear him open and let out the straw. Here we have this man of straw hurried off to jail by this policeman, while peeping over the fence a man is seen. His face is full of grins, his pocket is full of money, with a bag or two hanging on his hand, and the officer is dragging off this blessed little innocent while the criminal hangs over the fence; and some inquiring citizen, who has been robbed by these beef packers and these other instrumentalities of corporations, says:

"Why don't you catch the fellow on the fence?" I am here in the rôle of an attorney for the goose, to ask my friend from Wisconsin, or anybody else who chooses to answer, why we are so infernally solicitous about taking care of the corporations and only interfering with this man of straw in the legislation we are enacting here, or trying to enact, and why we do not pay any attention to the actual man? We forget the man in our efforts to redress all these grievances and wrongs, and we go to protecting this artificial man, this corporation, and we are almost shedding tears here in regard to the possible invasion of the rights of this impersonal creature, but we do not seem to care or take any concern about the man of blood with a belly to feed. That is what concerns me, and when I look about I see Judge Humphreys turn loose these people. Probably it was lawful; but if that is the law, then the law ought to be changed. That is what I contend here.

Mr. Jerome also has fallen from grace as a great reformer. Here we go. The dear people are told that it is unconstitutional to do any other way than the way we are doing; that we are trying our level best to help them somehow or other, but our dear old Constitution stands in the way. Talk about Judge Humphreys and his decision—

Mr. SPOONER. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Wisconsin?

Mr. TILLMAN. With pleasure, always.

Mr. SPOONER. I am quite at a loss to understand why the Senator from South Carolina refers to me by name.

Mr. TILLMAN. I have not said anything about you.

Mr. SPOONER. The Senator said "the Senator from Wisconsin" in referring to the decision of Judge Humphreys in the beef-trust case.

Mr. TILLMAN. It is just a parallel case, because the Senator devoted his great intellect for five hours, sick, though he was, to demonstrate the great damage and harm that will come to these railroad corporations by having them submit to the decision of a railroad commission appointed to protect the people of the country against just such infamies as I have had read at that desk. I was just led along by parallel reasoning to try to think out why it is we are so anxious to take care of these corporations, while we seem to ignore and forget the man.

Mr. SPOONER. That shows, Mr. President, if the Senator will permit me, how dangerous and foolish it is for a man to attempt to legislate, as it would be for a judge to attempt to decide a question, with sole reference to the characteristics of either one or the other of the parties.

The Senator does not seem to have been able to comprehend that the contention for which I argued the other day had no reference whatever, or involved in no respect, any bias for corporations. The Senator ought to be able to distinguish between parties against whom there may be prejudice or in favor of whom there may be bias, and principle.

The argument which I made here the other day, Mr. President—and I regretted the length of it as well its discursiveness—was made upon a principle. It was made for the bill, Mr. President, which the Senator from South Carolina has in charge. If I am right in my contention—and as to that I have very little doubt—no Senator capable of intelligent judgment or action upon this bill ought to be willing to have a provision of that kind incorporated in it. It ought to be, if my contention is a correct one, the strong and earnest desire of the Senator from South Carolina, having this bill in charge, to withhold from the bill a provision which under the Constitution would endanger its validity if it became a law.

This is the first time I have ever known a decision of a court to be impeached by the authority of a cartoon—

Mr. TILLMAN. I have known cartoons to play most important parts in great transactions in this country.

Mr. SPOONER. Yes; but not in the courts. I saw a cartoon in a newspaper the other day of the Senator, in which he lies sprawling, having been kicked over by a donkey. [Laughter.]

Mr. TILLMAN. Yes; and the last one I saw had me on that donkey and the elephant was tied to the donkey's tail, and we were proceeding down the road. [Laughter.]

Mr. SPOONER. That was another cartoon. How far that was an accurate illustration of the situation I do not undertake to say; but that was another cartoon. I myself saw a cartoon in a newspaper the other day, in which it was attempted to clothe me in the pants, vest, and coat of Secretary Taft.

Mr. TILLMAN. Which, of course, you did not fit. [Laughter.]

Mr. SPOONER. Which, of course, I did not fit. It was ludicrous, but it was fine, and I enjoyed it; but it illuminated no principle, nor did it tend to the correct application of any principle.

Mr. President, the Senator from South Carolina is yielding possibly a little too much to the suggestion of the Senator from Massachusetts [Mr. LODGE]. It does not follow, necessarily, because the defendant in a criminal case can not twice be put in jeopardy, that it is beyond the power of the legislature to send to the appellate court the question for the guidance of future courts in the determination of such cases. There has been a law in force in this District—for how many years I do not know—which authorizes an appeal in certain criminal cases, providing that the determination shall not adversely affect the defendant, if he had been placed in jeopardy, but in order that the question may be determined and the rule of decision established for the future conduct of the Government. There is a bill pending now before the Judiciary Committee to extend that principle throughout the country, that is receiving the serious consideration of the Committee on the Judiciary. It is recommended by the Department of Justice. So the Senator will see that this question is not being ignored; but that, on the contrary, it is being carefully considered; and I think he will agree that it is one of those questions which can better be considered carefully and deliberately by a committee of lawyers than perhaps by a committee of laymen. So the Senator must not assume that what he suggests as necessary in the public interests may not be done possibly through appropriate legislation, without violating the constitutional guaranty which prevents a citizen from being twice put in jeopardy.

Now, if I have not too long interrupted the Senator, I have endeavored to bring his attention to the situation as it really is, so far as such legislation is concerned.

Mr. TILLMAN. The Senator has made a little excursion away from the line of thought that I was trying to follow, and seems called upon to defend himself from an attack which I did not make. I was merely making an allusion to the condition which exists here. I do not impugn any man's motives, and I do not impugn the Senator's entire honesty and integrity of purpose.

Mr. SPOONER. I had a notion that when the Senator referred to the infernal anxiety of some people for the interests of corporations he might have added, to make the sentence complete, their infernal want of interest in the people, but that was perhaps going further than the Senator intended; but it meant something.

Mr. TILLMAN. Well, possibly my language is always more or less lurid [laughter], and it probably cuts deeper than I intend for the reason that I take the first word that exactly conveys my meaning, without undertaking to shade it off or oil it or sweeten it, but it does appear to me an infernal anxiety, if it exists in any man here, to protect the corporations and leave the man out of consideration.

Mr. SPOONER. Nobody wants to do that.

Mr. TILLMAN. Well, I hope the bill, when we get through with it, will prove that. We are not on that bill now, however, but I am just throwing in a few side remarks in relation to it and the general cussedness of the situation. [Laughter.]

I was proceeding to illustrate this latter condition by pointing out this remarkable opinion of Judge Humphreys. It may be entirely in accordance with the law as it is written, but that only shows that we write laws here and enact them which have more concern for the corporations in one sense than they have for the man, and the other has more concern for the man than it has for the corporation. In this case our law leaves the corporations in jeopardy of a fine of \$2,000, or something like that; but the individuals who are the agents of the corporations, who do its thinking, who do its acting, and without whom it is dead, go scot free. I was proceeding to illustrate this unfortunate situation by calling attention to the fact that the Attorney-General, our distinguished head of the Department of Justice, who is no doubt a very brilliant lawyer, and who has shown great ability in this prosecution, has "fallen down," as the phrase is, to use a slang word, in his efforts to punish these beef packers, these fellows who handle the meat. No doubt he feels considerably mortified and nonplused, but I could not help but be reminded of that simile of Byron:

So the struck eagle, stretch'd upon the plain,
No more through rolling clouds to soar again,
View'd his own feather on the fatal dart,
And wing'd the shaft that quiver'd in his heart.

The Attorney-General is the direct progenitor, so far as I am able to discover, of the doctrine that the corporation can be punished, that the man of straw can be punished, but the active agents—the eyes, the head, and the hands of that corporation—are entirely immune. In the language of the Attorney-General, which he gave us in his argument last week, "they are dipped in the immunity bath." In his opinion in the Santa Fe

case, which was unfortunately indorsed and corroborated by President Roosevelt, we were told that the vice-president of that road, Mr. Morton, had been shown—I believe he acknowledged it, in fact—to have granted rebates, and so forth, and so on. "Oh, no," says Mr. Moody. "Oh, no," says Mr. Roosevelt. "By no means punish Mr. Morton; he is clean; he is high; he is honorable, and all that; and go after this dirty railroad." And here you go. Judge Humphreys comes along. He says the President and Attorney-General are not high judicial officers. There may be no precedents for this—though the Senator from Wisconsin can inform me if there are, for he is a higher authority. President Roosevelt says this is good law. Mr. Attorney-General Moody says this is good law. Therefore, if it is good law in the Santa Fe case, why is it not good law in the packers' case? And Mr. Moody gets "hoist by his own petard," so to speak.

Mr. SPOONER. You can not do it under existing law.

Mr. TILLMAN. Are we going to change the law? Why did we ever enact such a law? The Senator not being responsible for it, probably has no right to answer, but that is where these people—

Mr. SPOONER. The Senator asked me a question. I should like to answer it.

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Wisconsin?

Mr. TILLMAN. With pleasure.

Mr. SPOONER. We have not enacted such a law.

Mr. TILLMAN. How, then, did it come about that this judge can not decide that this is the situation?

Mr. SPOONER. That is what I am speaking about. If the Senator will possess his soul in patience after asking me a question until I can answer it, I shall be glad.

Mr. TILLMAN. I will sit down and be very patient.

Mr. SPOONER. Oh, no; that is not necessary.

Mr. TILLMAN. I can get up again.

Mr. SPOONER. The Attorney-General could not do otherwise under existing law. He asks us to enact a law under which he might appeal.

Mr. TILLMAN. Would not that be retroactive in this case?

Mr. SPOONER. It would not apply to these men.

Mr. TILLMAN. Oh, these fellows, then, go scot-free?

Mr. SPOONER. The Senator interrupts again. No wonder the Senator will never learn any law. He can not keep still long enough. [Laughter.]

Mr. TILLMAN. Does it take stillness to make a lawyer? [Laughter.]

Mr. SPOONER. It takes—

Mr. TILLMAN. I thought it took mental ability and logic and the power of analysis.

Mr. SPOONER. It takes stillness on the part of a student to teach him law.

Mr. TILLMAN. I will sit still, then, and learn at the feet of my learned tutor.

Mr. SPOONER. Not at all; that is not a fair thing to say.

Mr. TILLMAN. I say it in all respect and in all sincerity, because my friend knows he is a learned lawyer. If not, I will tell him so, if he wants my opinion.

Mr. SPOONER. If the Senator wants to insist upon my admitting that myself my modesty compels me to decline. [Laughter.]

Possibly there ought to be such a law enacted. Long ago there was not, except as to this District. The Attorney-General and the Department of Justice ask us to enact one under which an appeal may be taken by the Government in such a case, even in case of acquittal, in order to advance to a court of appellate jurisdiction some question involved in the case which the public interest requires shall be finally adjudicated and settled for guidance in future cases. That bill is pending before the committee. Of course it can not be enacted so as to make it retrospective in its operation upon these men. That is impossible under the Constitution; but the Senator would not say because it can not be made retrospective—

Mr. TILLMAN. "Retrospective," is it not?

Mr. SPOONER. Well, "retrospective"—that we should not pass it, if it would be proper to do it, in order to establish a rule for the future.

Mr. TILLMAN. Of course, Mr. President, I would consider that we were very derelict if we had discovered a great loophole in the law through which these scoundrels are going to escape punishment, if we should not immediately remedy that; but I am afraid, as I remarked the other day, that we are getting ready to provide some scheme of "how not to do it" in the railroad business.

Mr. SPOONER. If the Senator would only become cured of that jaundice, which constantly affects him and makes every-

thing upon which he casts his eye yellow, he would be healthier mentally. [Laughter.]

Mr. TILLMAN. Anything more? [Laughter.]

Mr. SPOONER. Overcredulity, Mr. President, is a weakness; oversuspicion is none the less so. If there is any reason in the world why the Senator should look upon his colleagues in this Chamber in connection with their proposed action upon this measure with suspicion or with the thought that it is not the universal desire in the Chamber to do precisely what ought to be done as to this measure, I confess that I do not know what it is. The Senator may; but I do not.

Mr. TILLMAN. Mr. President, I may be jaundiced, as the Senator says, and may see things through yellow glasses, but, being a straightforward, frank, blunt man, as I am, and as everybody recognizes me to be, I can not understand these refinements, these hair-splitting distinctions, and these most strenuous pleas for a certain interpretation of the law which is against common sense. The Senator, of course, considers me as wholly unworthy of notice—

Mr. SPOONER. Not at all.

Mr. TILLMAN. In discussing a law point; but he never has been able, and I do not believe he ever will be able, to convince the everyday, common people of this country that whatever Congress can create and Congress can destroy Congress can not control.

Mr. FORAKER. Mr. President—

Mr. TILLMAN. He found the other day a great distinction or difference between the meaning of the words "judicial power" and "jurisdiction."

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. Yes.

Mr. FORAKER. I rise to a parliamentary inquiry. What is before the Senate, and what is it we are discussing, Mr. President?

Mr. TILLMAN. I am before the Senate. [Laughter.]

Mr. FORAKER. There is nothing unusual in that. The Senator is always before the Senate when he can get a chance to be.

The VICE-PRESIDENT. The Chair will state to the Senator from Ohio that this debate is proceeding by unanimous consent.

Mr. FORAKER. So I understood.

Mr. TILLMAN. I asked consent, not in the ordinary way, but I said "with the indulgence of the Senate" I wanted to make a few remarks. Now, if the Senator wants to take me off my feet I will sit down, but I will notify him that the very first bill that comes up, or anything else, I will get right up and talk along this same line; so he had better let me get through now.

Mr. FORAKER. I am well aware of that peculiar characteristic of the Senator.

Mr. TILLMAN. No; that is not a peculiar characteristic, but a blessing to this body.

Mr. FORAKER. That is true—

Mr. TILLMAN. That is one thing we have as an inheritance from our predecessors here, that here is a place of freedom of debate, where there is no gag rule.

Mr. FORAKER. Mr. President, if the Senator would allow me just a moment, I could tell him why I interrupted him.

Mr. TILLMAN. I have never objected to having the Senator interrupt me. He can interrupt me for a minute or for five or for fifteen minutes.

Mr. GALLINGER. I ask that the rule be enforced, Mr. President.

Mr. FORAKER. There goes the Senator from South Carolina again.

Mr. TILLMAN. He did not go off that time, however.

Mr. FORAKER. What I wanted to call attention to was the fact that the Senator had asked consent to occupy the time of the Senate for a few moments—

Mr. TILLMAN. Not moments; minutes.

Mr. FORAKER. To make some explanation of some sort. Let it be "minutes," then. He proceeded to make a statement, concerning which I wanted to make an answer, because it directly concerns a matter I have in charge. I observed he was drifting into a general discussion of the rate bill, of which he has charge, and which is all the while on his mind, but realizing that he was drifting off into that general discussion, I was about to interrupt him with a view to calling him back to the point upon which he started out to address the Senate, so that I could make answer to it in a brief way. Then we could take up the rate bill in order, and with some kind of orderly procedure proceed to consider it and the various amendments which have been offered. I am very anxious—

Mr. TILLMAN. Is the Senator through now?

Mr. FORAKER. I am through with the inquiry that I had—

Mr. TILLMAN. Now, will the Senator let me get through with a few little remarks that I wanted to make, and then resume the thread of the inquiry which he wanted to answer?

Mr. FORAKER. Before I consent to an indefinite occupation of the time of the Senate by the Senator I should like to know whether he wants to proceed to a discussion of the rate bill?

Mr. TILLMAN. No, sir; but the Senator from North Dakota [Mr. McCUMBER] wants to discuss the rate bill at 2 o'clock, and we will take it up then. I want to finish a few little remarks by way of getting rid of some of the yellow blood in me.

Mr. GALLINGER. Mr. President—

Mr. FORAKER. It takes so long to do that that I do not want to yield indefinitely, but I will, of course, accommodate the Senator if he wishes to occupy but a short time.

Mr. TILLMAN. I will get through inside of three minutes.

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from New Hampshire?

Mr. TILLMAN. With pleasure, always.

Mr. GALLINGER. Mr. President, more than half an hour ago I was recognized by the Chair and yielded to the Senator from South Carolina [Mr. TILLMAN]. Of course I will not interrupt the Senator if he is to conclude soon; otherwise I will ask for the regular order. If the Senator intends to conclude in a reasonable time of course I shall not interrupt him.

The VICE-PRESIDENT. The Senator from New Hampshire is entitled to the floor.

Mr. TILLMAN. As I have just remarked, I have never seen any time in the Senate when by any such proceeding as that a Senator can get the floor.

Mr. GALLINGER. I have no disposition to cut off the Senator. The Senator knows that.

Mr. TILLMAN. If the Senator will allow me to conclude in my own way in my own time I will do so; otherwise I will conclude in some other way under the rules of the Senate during the day.

Mr. GALLINGER. Mr. President—

Mr. TILLMAN. I recognize that I owe the Senator from New Hampshire an apology for occupying so much of his time.

Mr. GALLINGER. The Senator need not make an apology to me. I am always glad to yield to him or to any other Senator, and I certainly have no disposition to gag him. Of course I yield to him to conclude his remarks.

Mr. TILLMAN. Now, Mr. President, I am so torn up and so befuddled that I do not know "where I was at," as the phrase is.

Mr. FORAKER. Perhaps I can bring the Senator back, if he will allow me.

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. Certainly. Then we will uncoil this somehow or other.

Mr. FORAKER. The Senator opened his remarks with a reference to the nonaction, as he termed it, of the committee or subcommittee having in charge the proposed legislation with respect to campaign contributions from national banks. Now, it so happens that I am chairman of the subcommittee which has that matter in charge. The matter has come to our subcommittee in the form of a bill introduced by the Senator from South Carolina on that subject. The Senator was heard in support of his bill before the committee, and the committee referred it to the Senator from Pennsylvania [Mr. KNOX], the Senator from Texas [Mr. BAILEY], and myself as a subcommittee to examine and report to the full committee.

Mr. TILLMAN. Will the Senator allow me now?

Mr. FORAKER. In a moment, if the Senator will allow me. Only yesterday, when the Senator made inquiry of me as to what progress we were making, I reported to him that we had been unable to have a meeting of the subcommittee, because of the unavoidable absence, under very lamentable circumstances, of the Senator from Texas, who is a member of the subcommittee. But I told him that immediately upon the return of the Senator from Texas I hoped to be able to get the subcommittee together to consider the matter, and we would, without any delay, make a report.

But notwithstanding that assurance, notwithstanding the knowledge on the part of the Senator of the facts and circumstances to which I have referred, he brings the matter before the Senate this morning in a way that seems to involve criticism for nonaction on the part of the subcommittee.

Mr. TILLMAN. The Senator will allow me to disclaim any

such purpose, for I expressly tried to have it understood that my sole object in bringing up the matter was to point out the fact that, if I understand the law, the men who have been contributing the funds of the national banks have broken the law, and therefore an investigation is necessary, not a mere bill to prohibit this crime in the future, but to go back and root out the facts in past cases and get at the men who have broken the law and punish them for it.

Mr. FORAKER. I hope I may be allowed to proceed until I have concluded. The Senator has not by his interruption added anything to what he said in his opening remarks. It is true in his opening remarks he made the point he now makes, and it is true he then read the statute under which he claims that an offense was committed, but having read the statute he announces in the most conclusive way that if contributions were made to campaign committees by national banks that statute has been violated. Mr. President, I am not going to discuss that, though I am going to call attention to what the statute does provide. I think the practice of national banks making contributions to political campaigns is a bad one. I think it ought to be prohibited, and I think they ought not to be allowed to do it. I think it is bad for insurance companies to make such contributions, and I am quite glad to join in any proper legislation that will break up all practices of that reprehensible character.

Now, it is true that when this matter was brought before the committee by the Senator, who appeared there in support of his bill, it was stated in the committee, if I may tell what occurred there without violating the rules of the Senate, that there was no doubt that national banks in 1896, when the question of the gold standard was before the country, had made contributions to the campaign committee, possibly to both campaign committees. I do not know about that. But it was stated anyway that they had made contributions to the Republican national campaign committee. I had no knowledge about it at that time; I have no knowledge now; but I have an idea, from what I have heard, that that is perhaps accurate. But it does not follow from that that under the statute an offense has been committed of the character mentioned by the Senator, for if he will read this statute carefully he will find that the provision is as I shall read it.

I do not read this in order to show they did not commit an offense. I do not care whether they did or did not, so far as this discussion is concerned. It is a matter to be considered in another connection. I am not interested in any national bank. I am not interested in protecting anybody. I have no desire to protect anybody. But I am interested in having a matter that concerns the integrity of the Senate and the dignity of the Senate properly presented to the Senate and to have it properly appear in the RECORD and before the country.

Section 5209, which the Senator read, provides as follows:

SEC. 5209. Every president, director, cashier, teller, clerk, or agent of any association, who embezzles, abstracts, or willfully misapplies any of the moneys, funds, or credits of the association; or who, without authority from the directors, issues or puts in circulation any of the notes of the association; or who, without such authority, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment, or decree; or who makes any false entry in any book, report, or statement of the association, with intent, in either case, to injure or defraud the association or any other company, body politic or corporate, or any individual person, or to deceive any officer of the association, or any agent appointed to examine the affairs of any such association; and every person who with like intent aids or abets any officer, clerk, or agent in any violation of this section, shall be deemed guilty of a misdemeanor, and shall be imprisoned not less than five years nor more than ten.

Mr. President, you will see from a reading of the statute that the intent must have accompanied the act. The contribution must have been with intent to defraud, with intent to willfully misapply. It must have been without the knowledge and without the authority of the directors in order to bring it within the terms of the statute. Who knows from the mere statement that national banks made contributions to a campaign fund but that they were made with the knowledge not only of the directors, but with the knowledge also of the stockholders? Who will say that a contribution made by a national bank was for the purpose of defrauding or for the purpose of violating the law of the country? All those are legal questions which will arise upon an attempt to prosecute.

Now, I have no objection to the Senator having the fullest information it is possible to obtain, but it does not seem necessary, when we all agree that the practice is a bad one and that it should be prohibited by law, that we should wait upon an investigation in order to report upon this bill and pass it.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. Certainly.

Mr. TILLMAN. The Senator from New Hampshire will have to bear me out now that the few minutes I was to consume—

Mr. FORAKER. I thought the Senator had concluded.

Mr. TILLMAN. I only want to point out that the Senator's law is not good or that his interpretation of the law is not good, for this reason—

Mr. FORAKER. Can not the Senator do that in his own time?

The VICE-PRESIDENT. The Senator from Ohio declines to yield.

Mr. TILLMAN. Oh, no; he does not do that.

Mr. FORAKER. No; I will not decline. I was only trying to persuade the Senator to wait until I had made one other remark; just a sentence or two.

Mr. TILLMAN. Let me ask the Senator's attention to one point.

Mr. FORAKER. Very well.

Mr. TILLMAN. This statute provides that there must be no false entry. It happens that I introduced and the Senate passed a resolution requesting the Comptroller of the Currency to make inquiry on this very line, and the report of the Secretary of the Treasury showed that, reaching back to 1892, as far as the records go, there were only one or two little, pitiable instances, involving \$500 perhaps, in which this thing had been done. But I wanted an investigation by a committee, with power to send for persons and papers, in order to go back to the records and come on down if we should strike a hot trail, as I know we would, and show that either there have been false entries or the examiners have failed to do their duty; and it was with a view to having the law amended not only in this particular, so as to punish contributions, but to provide that it could not be done in the future.

Take the instance of the banks in the Senator's own city, where we have notice within the last week or two of the restitution by the treasurers of Hamilton County of some sixty or seventy thousand dollars. It has been returned by the treasurers to the county treasury. I do not know, but the report was that the money had been left by the agents of the banks with which the deposits were made lying around loose in envelopes; it just came out of the sky, so to speak. The fellow found it. Somehow or other he knew where it came from. It shows that there was collusion between him and the national banks.

Take the condition in Chicago, where the John R. Walsh bank went by the board with a powerful load of obligations hanging over it, and, as I understand, the national banks of Chicago, the associated banks, have assumed all of Mr. Walsh's debts and have taken his assets, and are acting as receivers, and all this in broad light of day, and nobody knows whether the stockholders and depositors of the banks who are going into this business are acting according to law or not, or whether the stockholders and the depositors are being protected or not. It only shows to me that there is need for a thorough search into all the transactions regarding all these things.

Mr. HOPKINS. Will the Senator from South Carolina yield to me for a moment?

Mr. FORAKER. Has the Senator from South Carolina finished his question?

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Illinois?

Mr. FORAKER. I had the floor, as I understood, and I yielded to the Senator from South Carolina to ask a question.

The VICE-PRESIDENT. The Senator from Illinois [Mr. HOPKINS] desires to interrupt the Senator from South Carolina [Mr. TILLMAN] to ask a question. Does the Senator from Ohio yield?

Mr. FORAKER. The Senator from South Carolina yielded the floor, I understand. If the Senator from Illinois wishes to say something, I will yield.

Mr. HOPKINS. The Senator from South Carolina was so obviously misinformed regarding the Chicago National Bank that I desired to correct him. But if it seems necessary I can do so at another time.

Mr. FORAKER. As I stated to the Senator from South Carolina before he interrupted me at such length. I have only one sentence or two to add, and then I will be through with all I desired to say.

The other point I desired to add was with respect to what the Senator from South Carolina said about Judge Humphreys. That could perhaps come better from the Senator from Illinois [Mr. HOPKINS] than it would from me. I have only a limited acquaintance with Judge Humphreys. I have met him once only, I believe, but I know his reputation, and I know he stands high as an honorable, upright, able, capable jurist, a

judge in whom the people of the country may well have confidence, according to the information I have in regard to him.

But the word I wanted to say was not a word of defense of him, for I take it he needs none, but a word of suggestion to the Senator from South Carolina. I do not think it comes in very good grace from Senators here on the floor of this Chamber to be criticising those who are engaged in another department of the Government, as Judge Humphreys is, as to the manner in which they discharge their duties. He sat there as a judge to determine the rights of the parties who had been brought before him. It was his duty to determine those rights under his oath of office, according to his interpretation of the statutes that might be involved, which this Congress had passed when they were made laws. I have no question that he acted with absolute integrity in every sense of the word and with absolute impartiality. I believe that all the great judges of the Federal courts of this country, in so far as I have any personal knowledge of them, are incapable of acting in any other way.

Here is a decision of which the Senator from South Carolina does not seem to approve. It is his right to take exception in a proper way, but it does not seem to me that it is appropriate for us in this body to discuss such matters in such a way. Only a few weeks ago there were a number of decisions, coming one after another from the Supreme Court of the United States. There was the decision in the Chesapeake and Ohio and the New Haven coal case, and then the decision in the "Immunity cases," as they are called, and then the decision in the case that came up from the Senator's own State—South Carolina—all decisions with which the Senator must certainly have been very much gratified—

Mr. TILLMAN. Will the Senator from Ohio allow me?

Mr. FORAKER. As all other citizens of this country are gratified, because of the long step ahead which the court took in settling some of the most difficult questions with which we are beset to-day. But not one word of commendation have I heard from the Senator.

If he is to discuss every decision that is announced, it seems to me it would be in order for him now and then to take note of the fact that there is some progress being made by the courts along the line on which we are all anxious to see progress made. He should not confine himself to those decisions which do not seem at the time to entirely please him, certainly not when with him, as with the rest of us, it is perhaps true that he does not know just what the case was. I have not studied the case decided by Judge Humphreys. I am sure the Senator has not. I have confidence, however, that the judge who sat for weeks as presiding judge of the court, hearing all the testimony, examining all the law, hearing all the arguments that were made both pro and con, gave to it his best and an honest judgment, and whatever criticisms there may be of his action ought not to originate in this body. I do not think it is in keeping with the dignity of this body.

Mr. TILLMAN. Will the Senator permit me?

Mr. FORAKER. I do not like to speak thus plainly, but it seems to be necessary.

Mr. TILLMAN. I was going to remark that if the Senator had listened closely to my words, or if he will send to the stenographer and get a transcript of them, he will not feel warranted in asserting that I have adversely criticised Judge Humphreys. I know nothing about the case. I only know the result. I was particular—at least, I intended to be—to say that I know nothing about the facts, as to whether the judge had decided according to the law or not, but I was trying to give a kind of bird's-eye view of the situation in regard to this class of cases in which these instances in New York had attracted the attention of the country, of the district attorney and the judge being crosswise in their opinions as to the criminality of certain acts, and then going on to illustrate, by the condition in which we find ourselves in regard to the punishment of the pork packers, with the idea that it appears to be very probable, if not sure, that in the insurance frauds the big thieves will escape just as in the packing business the individuals are to escape.

I was animadverting or criticising or lamenting rather with my jaundiced vision the condition of the country; that we were in a bad way, and that we were very cautious, somehow or other, to take care of the corporations here while we were more or less indifferent as to the man. But when it came to punishing the men who run the corporations, then the corporations got it in the neck or got into trouble, while the men who ran the corporations got loose. That is what I was trying to bring out, and I was not criticising or abusing Judge Humphreys.

I want to say here and now that I have faith in the ability and patriotism and learning of the Supreme Court of the United States which every American ought to have, and I do not be-

Here that that court will ever declare that Congress is powerless to help the people and relieve them from this infamous condition which has been disclosed.

Mr. FORAKER. I am glad to hear the Senator say what he has just uttered, and I am particularly glad in view of the fact that within the last ten days—I think it was so recently as that—the Senator said, in effect, that if the Supreme Court did not decide with respect to this question of the power of Congress to legislate as proposed the people would find a way to reform the Supreme Court.

Mr. TILLMAN. That was a warning, and I had a right to warn the court, even if I am a cornfield lawyer.

Mr. FORAKER. I happen to know, from letters I am receiving, that remarks of that kind have not a good effect upon the people of the country. They cause people to think that there is some lack of integrity somewhere connected with the administration of public affairs, either in the Congress of the United States to legislate or in the courts that decide. I think we ought not to contribute to that sort of feeling unless we believe there is ground for it; and if there is ground for it there ought to be an appropriate proceeding instituted to discover the fact and punish those who may have offended.

Mr. TILLMAN. I do not care to have any more to say about it just now. I have my opinion; I have very strong convictions; I have those based on my view of the public welfare, and I certainly shall not hesitate to express my opinions here, although they may not conform to the ideas of propriety and good taste which govern my friend, the Senator from Ohio.

Mr. FORAKER. Did the Senator, after what I told him yesterday about the reason for nonaction on the part of the subcommittee, think that the public welfare required that he should parade the fact that we had not acted as he did in his remarks this morning on the floor of the Senate? Was there anything in the public interest that required it?

Mr. TILLMAN. If the Senator feels aggrieved because, having talked with him about this matter yesterday and knowing that the Senator from Texas [Mr. BAILEY] was absent, I brought up this matter this morning, I hope he will let me say that it was not with any view or purpose or intention to cast any reflection upon him or any other member of the subcommittee, but it was to bring out the other phase of the question which leads to the necessity of an investigation; that is all. I hope the Senator will accept my apology now as to any purpose or intention of charging him directly or indirectly with any intention or any purpose of delaying action on that proposition.

Mr. FORAKER. There was no necessity for an apology to me, for I was not finding fault with the Senator because of anything he had said as to myself, for I take it that my explanation would be a sufficient answer if anyone thought I was being criticised. But I want to know, in view of the fact that the Senator has brought this matter out and just now said that he had spoken only with a view of promoting the public welfare, how he expected to promote the public welfare by saying that the subcommittee had not made a report when he knew it was impossible for us to have a meeting of the subcommittee unless we ignored the absence of the only member of the opposition on the subcommittee, who, as he knows, is unavoidably detained.

Mr. TILLMAN. If the Senator will feel that he has been attacked by insinuation or innuendo by my bringing it up, I can only disclaim any such purpose. I had no intention of impugning his integrity of purpose and honesty in dealing with this question.

Mr. FORAKER. I understand—

Mr. TILLMAN. I can not say any more.

Mr. FORAKER. I understand that; and, of course, what the Senator says is entirely satisfactory. What I was trying to say to him was that it was not necessary to say anything at all.

Mr. TILLMAN. I wish I had not said it. Will that satisfy you?

Mr. BURROWS. Mr. President, as chairman of the Committee on Privileges and Elections, to which this matter was referred, I think I owe it to the committee to make a simple statement of the facts.

On the 6th day of December the Senator from South Carolina [Mr. TILLMAN] introduced a resolution calling upon the Secretary of the Treasury for certain information in relation to contributions by national banks for campaign expenses. One of the inquiries in that resolution is the following:

Fifth, whether the reports now on file made since said date show any payments by any bank to any political committee or to any chairman, treasurer, or other officer of a political committee; and, sixth, whether such reports show any payments of the moneys of a bank to any person upon any voucher, or without any voucher, where the circumstances of the payments suggest that the money paid was to be used to carry on a political campaign or for any political purpose.

On the same day, December 6, the Senator from South Carolina [Mr. TILLMAN] introduced a resolution, as follows:

Resolved, That the Committee on Privileges and Elections be, and is hereby, directed to make inquiry and report to the Senate whether since March 4, 1893, any payments have been made by any national bank or banks to any political committee, or to the chairman, treasurer, or other officer of a political committee, or to carry on any political campaign, or for any political purpose; and said committee, if such payments have been made, is directed to report all the facts in detail to the Senate.

It will be observed that the resolution directing the Secretary of the Treasury to ascertain and report the facts was dated December 6, and the resolution directed to the Committee on Privileges and Elections to make inquiry on the subject bears the same date.

The Secretary of the Treasury made answer to the resolution on the 13th day of December, seven days later. Although the Senate is familiar with it, I will read a part of what the Secretary said:

5. While it is impossible to state positively whether any report shows any payments by any bank to any political committee or to any chairman, treasurer, or other officer of a political committee without an examination of each and every one of more than 100,000 reports on file of examinations made during the period covered by the resolution, to the best of my knowledge and belief such reports as have been made during my incumbency of the office of Comptroller, covering the period since October 1, 1901, do not show any payments of the nature indicated except in one or two instances, and these were in banks of the smaller-capital class and for amounts not exceeding two or three hundred dollars.

After the report of the Secretary of the Treasury was received, in response to the resolution of December 6, and while the resolution directing the Committee on Privileges and Elections to inquire into the same subject-matter was pending, I inquired of the Senator if the report of the Secretary of the Treasury upon this matter was deemed sufficient. The Senator then said very frankly it was not satisfactory to him; that he would want further inquiry, and then stated to me, not in detail the testimony expected to be adduced before the committee, but in a general way what possibly might be brought to light and proved. I then informed the Senator that if he would appear before the committee, state what he expected to prove, the evidence he had in support of his resolution, the committee would be very glad to take the matter up for consideration.

Subsequently a time was fixed when the Senator would appear before the committee and advise the committee of all the facts had within his knowledge bearing on his resolution. Before the meeting of the committee the Senator informed me that he was not certain he could appear before the committee on the day named, but would advise me later. I received a letter from the Senator, who was necessarily called from the Senate to his home in South Carolina, saying it would be impossible for him to be present at the meeting as agreed to. Upon the Senator's return I again called upon the Senator and asked him when he would be ready to come before the committee, and he again fixed a certain time—I do not now remember the day, but it was not more than three or four weeks ago, possibly three weeks ago. I then stated to the Senator I would call a meeting of the Committee on Privileges and Elections and we would be very glad to hear the Senator.

The meeting was called. I notified the Senator. It was a full committee practically. The Senator appeared and stated to the committee fully and frankly what his evidence was or what he expected to prove.

At the same time it should be stated that the Senator, on February 19, introduced a bill to prohibit national banks from contributing to campaign expenses. That bill was before the committee when the Senator made his statement. Of course the attention of the committee was called to the bill which he had introduced to remedy the evil complained of. It was the consensus of opinion of the members of the committee that the evil did exist. I think the Senator will bear me out in saying that I asked him if the object to be attained was not the correction of the evil, to which the Senator replied, of course that was the end to be reached.

Thereupon I appointed a subcommittee consisting of the Senator from Ohio [Mr. FORAKER], the Senator from Pennsylvania [Mr. KNOX], and the Senator from Texas [Mr. BAILEY] to take into consideration the bill introduced by the Senator, and report to the full committee. As everyone knows, the Senator from Texas was called away upon a very painful occasion, and the other members of the committee have been busy, and there has been no opportunity for the subcommittee to give the measure proper consideration.

I will say to the Senator from South Carolina there is no disposition on the part of the Committee on Privileges and Elections or of the subcommittee to in any way suppress or postpone the matter, and as soon as the subcommittee can ex-

amine the bill it will be reported to the full committee, and no doubt receive prompt consideration.

I make this plain statement of the matter in justice to the committee over which I have the honor to preside.

Mr. TILLMAN. Mr. President, the Senator from Michigan need not have taken the trouble to give the history of this matter; but, of course, he is to determine whether he thought it worth while or not. I want to say here and now what I tried to say this morning. I think you will find it in the report of the words I spoke that I said I was not reflecting on the committee; that I was not charging anybody with a disinclination to act or to delay; but that on these new developments brought out by the statement of Mr. Jerome, if the trustees of the insurance companies had committed a crime and were guilty of larceny, Messrs. Bliss and Cortelyou had been guilty of receiving stolen goods; and that this train of criminality was more far-reaching than the mere gift by the trustees; and if that was true, while there is some doubt about it, as is shown by the division of opinion between the district attorney and the judge, here can be no doubt, in my judgment, about the malfeasance in office and the criminality of the national banks or any agent of any national bank who has contributed to a campaign fund, because the law expressly forbids it, as I understand the law.

That being true, I felt that with the knowledge which I have of \$17,000, in one second or third class city, having been contributed from the funds of national banks toward a campaign fund, and I got from a reliable source that \$70,000 was contributed in Chicago, and as that seemed to be a general policy pursued by all the banks, it appeared to me that there must be a million or a million and a half dollars of this kind of money that had been misappropriated. I do not like to say stolen, but it has been taken from the funds of the banks, and it has gone into the coffers of the campaign committee.

I thought an investigation ought to be had, so that those who have been guilty of breaking the law could be made at least to refund, if prosecution had gone by, under the statute of limitations, so that they can not be indicted. If we get the legislation we will get it much more rapidly, much more effectively, by the course I suggest. This is no reflection upon the Senate, because I think the Senate will pass this bill, but they are practicing how not to investigate over in the House on this very line, if I may speak of a coordinate branch of the Government without being again called to book by the Senator from Ohio. We have no assurance that even if the bill is reported favorably by the Senator from Michigan or by the subcommittee and the full committee and if it passes here that it will pass the other end. I want some ventilation of this subject. I want some light. I want the country to know that the beef packers and insurance people are not the only rascals who are floating around. I should like to run down every one of them if we can. Let us all join in legislating here so that they will not get loose the next time they are caught. That is my purpose. I had no desire to reflect on the committee or the subcommittee.

Mr. FORAKER. Mr. President, I desire to call the Senator's attention to the fact that the House is not just now investigating the subject he refers to, but the House has been investigating it, and on last Saturday the House made a report from its Judiciary Committee, through the chairman of that committee, a very able report on this very subject, as to what extent Congress has power to visit corporations that are organized under State laws. I commend it to the Senator.

Mr. TILLMAN. Does the Senator say that the national banks are organized under State law?

Mr. FORAKER. Certainly not.

Mr. TILLMAN. Then to what does the opinion of the Judiciary Committee apply?

Mr. FORAKER. The Senator always interrupts before he gives me time to say anything. The Senator's bill applies to national banks, and it also applies to all carriers that are engaged in interstate commerce, without regard to the fact that most of them, perhaps all of them, are incorporated under the State laws.

Mr. KEAN. And it applies also to all other corporations.

Mr. FORAKER. It applies also, I believe, to all other corporations. Therefore, no matter what they are doing—

Mr. TILLMAN. I was trying to sweep with a clean broom.

Mr. FORAKER. I did not rise to discuss the report of the House, but only to call the Senator's attention to the fact that the House has already, through its committee, made a report. I took it home with me last evening and looked over it. It is a very able document, and it is signed by every Democrat who is a member of that committee, as well as by the Republicans.

Mr. TILLMAN. I had out of my cornfield law expressed an opinion here in the early days of the session that it was outside

of the jurisdiction of Congress to undertake to control insurance companies. I am not a lawyer and I do not pretend to be. I have just some general ideas of this great science and some little concrete propositions of law in my head. I depend on common sense a great deal more than I do on any other factor in judging this question.

Mr. FORAKER. I wish to call the Senator's attention to the further fact that the same committee, through its very able chairman, has reported separately on the question of insurance corporations. There are two reports. They are both well worth the Senator's perusal.

Mr. TILLMAN. I am too well grounded in State rights to need anything of that sort coming from any committee. But the Senator still does not deny that the national banks are national corporations and are peculiarly under the jurisdiction of Congress.

Mr. FORAKER. Oh, certainly.

Mr. President, I did not rise to take any issue with the Senator, but only to give him the information that the investigation to which he referred had been conducted, so far as the committee had been conducting it, and that the committee has made two reports, both of them very full.

PRESERVATION OF NIAGARA FALLS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I submit to you herewith the report of the American members of the International Waterways Commission regarding the preservation of Niagara Falls. I also submit to you certain letters from the Secretary of State and the Secretary of War, including memoranda showing what has been attempted by the Department of State in the effort to secure the preservation of the falls by treaty.

I earnestly recommend that Congress enact into law the suggestions of the American members of the International Waterways Commission for the preservation of Niagara Falls without waiting for the negotiation of a treaty. The law can be put in such form that it will lapse, say in three years, provided that during that time no international agreement has been reached. But in any event I hope that this nation will make it evident that it is doing all in its power to preserve the great scenic wonder, the existence of which, unharmed, should be a matter of pride to every dweller on this continent.

THEODORE ROOSEVELT.

THE WHITE HOUSE, March 27, 1906.

REORGANIZATION OF THE CONSULAR SERVICE.

The VICE-PRESIDENT. The Chair understands that the Senator from Alabama [Mr. MORGAN] desires to be relieved from service as conferee on the bill (S. 1345) to provide for the reorganization of the consular service of the United States. The Chair appoints in the place of the Senator from Alabama [Mr. MORGAN] the Senator from Georgia [Mr. BACON].

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

H. R. 5972. An act granting the right to sell burial sites in parts of certain streets in Washington City to the vestry of Washington parish for the benefit of the Congressional Cemetery;

H. R. 9329. An act to amend an act approved February 28, 1903, entitled "An act to provide for a Union Station in the District of Columbia, and for other purposes:"

H. R. 14578. An act to provide for the establishment of a public crematorium in the District of Columbia, and for other purposes;

H. R. 15740. An act amending an act entitled "An act for the extension of M street east of Bladensburg road, and for other purposes," approved March 3, 1905;

H. R. 16484. An act to amend section 1 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901; and

H. R. 16944. An act to amend section 878 of the Code of Law for the District of Columbia.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

H. R. 8278. An act authorizing the Secretary of the Interior to issue patent to Keystone Camp, No. 2879, of the Modern Woodmen of America, to certain lands for cemetery purposes; and

H. R. 17135. An act providing that the State of Montana be permitted to relinquish to the United States certain lands heretofore selected and select other lands from the public domain in lieu thereof.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 11026. An act to authorize the counties of Holmes and Washington to construct a bridge across Yazoo River, Mississippi;

H. R. 14591. An act to authorize the construction of a bridge across the Cumberland River in or near the city of Clarksville, State of Tennessee;

H. R. 14592. An act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn.;

H. R. 15259. An act to authorize the North Mississippi Trac-tion Company to construct dams and power stations on the Bear River on the northeast quarter of section 31, township 5, range 11, in Tishomingo County, Miss.; and

H. R. 16140. An act authorizing the maintaining and operat-ing for toll an existing structure across Tugaloo River, known as "Knox's Bridge," at a point where said river is the boundary between the States of South Carolina and Georgia.

H. R. 15435. An act to empower the Secretary of War to convey to the city of Minneapolis certain lands in exchange for other lands, to be used for flowage purposes, was read twice by its title, and referred to the Committee on Military Affairs.

H. J. Res. 11. Joint resolution for the publication of eulogies delivered in Congress on Hon. John W. Cranford, late a Repre-sentative in Congress, was read twice by its title, and referred to the Committee on Printing.

FIVE CIVILIZED TRIBES.

Mr. CLAPP. I had intended this morning to ask the Senate to proceed to the consideration of the conference report on House bill 5976. I understand that the Senator from North Dakota [Mr. McCUMBER] is going to speak on the rate bill at 2 o'clock, and at the conclusion of his speech I will ask the Sen-ate to consider the report.

Mr. CLAPP subsequently said: At the request of the Senator from Colorado [Mr. PATTERSON], I will let the report on House bill 5976 go over until to-morrow morning.

YELLOWSTONE RIVER BRIDGE IN MONTANA.

The VICE-PRESIDENT laid before the Senate the amend-ments of the House of Representatives to the bill (S. 5204) to authorize the construction of a bridge or bridges across the Yellowstone River in Montana.

The amendments were, on page 3, line 13, to strike out the words "two years" and insert "one year;" and on page 3, line 13, to strike out "four years" and insert "three years."

Mr. CARTER. I move that the Senate concur in the House amendments.

The motion was agreed to.

SNAKE RIVER BRIDGE, NEAR LEWISTON, IDAHO.

The VICE-PRESIDENT laid before the Senate the amend-ments of the House of Representatives to the bill (S. 5211) to authorize the construction of a bridge across the Snake River at or near Lewiston, Idaho, which were, on page 4, line 2, to strike out "two years" and insert "one year;" and on page 4, line 2, to strike out "four years" and insert "three years."

Mr. FRYE. I move that the Senate concur in the amend-ments of the House of Representatives.

The motion was agreed to.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. As it is just two minutes before 2 o'clock, I ask that the unfinished business be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to en-large the powers of the Interstate Commerce Commission.

Mr. TILLMAN. Mr. President, yesterday evening it was sug-gested by the Senator from Maine [Mr. HALE], whose long ex-perience and judgment in regard to these matters I have learned to have great respect for, that I should propose this morning a unanimous-consent agreement in regard to voting on the rate bill. I want to say that, while I am not disposed to press this matter unduly or to have the appearance of dragooning anything or anybody and desire every Senator to have the fullest oppor-tunity to speak, I would like if we could come to some under-standing in regard to a day when we can have a final vote upon the bill.

Mr. HALE. Has the Senator considered what I think ought to be a part of the proposition in fixing a time—

Mr. TILLMAN. I will read what I have prepared, so that the Senator will understand what I have thought, under the en-lightening discussion yesterday afternoon, would be a desirable and advantageous method of dealing with it when we do come to it.

Mr. HALE. I wish the Senator would read it.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Caro-

lina yield to the Senator from Maine or to the Senator from Rhode Island?

Mr. TILLMAN. I will yield to either Senator or to both Senators.

Mr. HALE. While I am on the floor, I will yield to the Senator from Rhode Island.

Mr. ALDRICH. I was about to say that it seems to me even an attempt at an agreement is decidedly premature at this moment. The Senator from South Carolina is quite aware that there is no disposition on any side to extend the discussion beyond reasonable limits. Several very important speeches are to be made this week. The Senator from Texas [Mr. BAILEY], who has two very important amendments pending, and who takes a great interest in this whole question, will be unavoid-ably absent from the Senate for a number of days yet, and until his return certainly we can not even approach an agreement. So it seems to me that it would be most desirable to wait for a few days until some of these important speeches are to be made before even any details of a suggested agreement are made. I shall feel obliged at this moment to object to any agreement of any kind.

Mr. TILLMAN. Well, I had not anticipated getting an agree-ment the first time or the second time. I rose this morning merely for the purpose of suggesting the desirability of some date, and I did that more under the advice and counsel of my distinguished friend from Maine [Mr. HALE] and of his colleague from Iowa [Mr. ALLISON], both of whom have had so long and honorable experience here and whose judgment and skill in handling this kind of thing every man must acknowl-edge and look up to. I would not have presumed to undertake to press the matter at all but for the fact that I had been rather asked to do it.

Mr. HALE. I think the Senator is all right. The process of bringing the Senate to a conclusion upon any matter is a gradual process. I think the Senator is moving in the right direction in calling attention to the fact that some day we have got to agree, which is the manner of the Senate—the rule, I will say, of the Senate—upon a time. I should like to have read what the Senator has already brought out in his mind, covering the suggestion of the last few days being devoted to a ten minutes' debate on different amendments.

Mr. TILLMAN. If the Senator desires it, I will read what I have prepared here.

Mr. HALE. I would be glad to hear it, because that will go into the Record.

Mr. TILLMAN. It is agreed, by unanimous consent, that on such a day and such a date, 1906, and the following days, imme-diately after the conclusion of the routine morning business the Senate will proceed with the bill H. R. 12987, an act, etc., the debate to proceed under the ten-minute rule; that amend-ments may be offered and may be disposed of by a vote dur-ing this five days' period at the pleasure of the Senate, and that on such and such a date following, at 2 o'clock p. m., the Senate will begin voting on the amendments having not been disposed of up to that day and that may then be pending or which may be offered, and that a vote shall be taken on the bill itself before adjournment.

I thought I would try to cover the various good suggestions that were made yesterday evening in the absence of the Senator from Rhode Island as to the advisability and desirability of having the fullest possible opportunity to discuss amendments, which we have not been doing heretofore on some other meas-ures, as must appear to him evident.

Mr. HALE. The two things will go together. When we agree upon a date for the final vote to end the discussion and consideration in the Senate, we ought at the same time, and I have no doubt will, agree to a provision something in the line of that suggested by the Senator. It seems to me that he has covered it quite well. We shall agree upon the two things, and then the Senate will be in a position not only to listen to the general discussion, but at a time fixed to proceed to the consideration of the amendments.

I am glad to see that the Senator in framing this provision has left the question as to the time to be consumed by particu-lar amendments to the discretion of the Senate. We could not say in terms that each amendment shall have so much time, because some amendments are of much more account than others and need more time. But if we fix the number of days, five or six days, it is then at the discretion of the Senate dur-ing that time to limit the debate on an amendment to five speeches or ten speeches, or if it is a more important and crit-ical amendment the Senate in its discretion may give it more time. I think the Senator has been wise in leaving that dis-cretion. As to the form that the agreement will take, that can be finally considered when we agree upon a time and when we

will also agree upon the process. I think the Senator has hurried the matter along by preparing this suggestion.

Mr. TELLER. Mr. President, I do not know whether this is intended to cut off the adoption of amendments previous to the period of five days. If so, I shall want to object to it. I think we ought to take up some of the amendments that are important and take a vote on them and dispose of them.

Mr. ALDRICH. I think there is no proposition now to have it agreed to.

Mr. TILLMAN. No; I do not make it as a proposition to be agreed to. I would not have brought it out but for the fact that the Senator from Maine asked to have it read.

Mr. TELLER. I wish to suggest to the Senator that I want an opportunity to vote on one or two of these amendments. Whether I want to make a speech or not will depend somewhat upon whether a particular amendment is adopted or not. What I want to say on it may depend upon whether the amendment is adopted. So I do not want to be cut off and prevented on to-morrow, if that is a proper time, from action on a certain amendment.

Mr. TILLMAN. To-morrow?

Mr. TELLER. To-morrow or any other day.

Mr. TILLMAN. Will the Senator allow me to explain why I think that would be unwise and unfair?

Mr. TELLER. Certainly.

Mr. TILLMAN. It is for this reason: Senators are now engaged in preparing speeches, and it takes a great deal of research, as I happen to know from experience, to even touch this great question in high places. There are so many ramifications of it, and it is so vastly important that any man who approaches it without getting acquainted with the great amount of labor involved is showing very little knowledge of the situation.

Senators who are preparing speeches want to be heard and also want to vote on amendments. I do not think it would be altogether good policy or fair, either, to such Senators to say that to-morrow we will take up a given amendment and press it to a conclusion. I would judge that that would mean the death of that amendment on general principles, however meritorious it might be.

I thought that the best course to follow would be to let any and every body who wants to speak speak on the general subject or speak on a given amendment and ventilate it in the fullest possible way; and when we get ready to do business, as the phrase is, we have notice given to every Senator that upon a certain day the Senate is going to begin the active work of framing this bill, inserting amendments and taking out words if they want to, and completing it. Therefore I think it would be unwise to undertake to begin to amend it until the time that may be agreed on, say five days ahead of the time for a final vote. If any Senator during those five days feels called on to speak longer than ten minutes, I am sure the Senate has never yet, since I have been in it, objected to having such a Senator continue, unless he was exceedingly dull and uninteresting. Sometimes I have seen Senators notified by the presiding officer that the time was out and nobody moved to extend it, but ordinarily any Senator who has got anything to say can always get a hearing here, thank God.

Mr. TELLER. I do not remember ever to have seen a unanimous-consent agreement of this kind changed by allowing a Senator to go on, except on a few occasions when I think the presiding officer has been oblivious of the fact that the time had arrived for quitting. In such a case nobody has ever found any fault, but I have never heard anyone ask for an agreement that we might proceed further than the allotted time. I do not suppose that will be done.

Mr. President, all I am trying to get at is not that we shall take up a case and press it, but that when the Senate is ready to vote on a proposition we shall not be stopped by the Chair saying to the Senate, as we heard on the statehood bill and several others, "It is not in order to vote on this amendment until a certain time." I want to say to the Senator that that will be the arrangement anyway, whether he agrees to it or not.

Mr. TILLMAN. It is not my agreement; it is the Senate's agreement, and if any Senator will read this—

Mr. TELLER. As a member of the Senate, I mean to reserve the right of the Senate to vote on it, not to press it unduly, and if Senators want to have their votes recorded they can be here. That is all there is about it.

Mr. TILLMAN. During those five days?

Mr. TELLER. During the time between now and the beginning of the five days.

Mr. TILLMAN. Between this and the five days?

Mr. TELLER. Yes; between this time and the five days.

If some amendment should be presented and adopted, there would be a necessity for further amendments, and further amendments would not be necessary unless that amendment was adopted. If some amendments that are offered should be rejected, then there might be a necessity for some amendments that otherwise would not exist.

But what I want to obtain has always been the rule of the Senate, that Senators will have a right to a vote on an amendment at the proper time and have it determined. What I want is that when we come to a time to conclude debate that the agreement to do so shall be irrevocable, and that we shall live up to it.

Mr. HALE. Mr. President, I suppose on this general understanding that we shall proceed as the Senate has done for years—that during general debate if a point is reached when the Senate is ready to vote on a proposition or on an amendment, it shall do so. In that way one consideration and one point after another is eliminated; and I do not suppose that anything we do now will interfere with that. But that at some time in the future there is a necessity for a time being agreed upon for the consideration of all remaining amendments not disposed of, I think must be clear to every Senator's mind. In the meantime, however, if there is any amendment in the consideration of any bill that has ever been considered since I have been a member of the Senate, when we come to the point of a vote, we vote on that, and that is eliminated from the final consideration. It is not contemplated that every amendment that is offered shall go over. We may vote upon any amendment after we have reached it and concluded discussion upon it; but finally a time should be fixed for the remaining amendments to be considered.

I agree with the Senator that if the Senate decides beforehand to vote upon any particular amendment, it has the power to do so, and nobody can take that power away.

Mr. TELLER. It can not be taken away legally, unless we shall agree to it.

Mr. HALE. I do not understand that it can be.

Mr. TILLMAN. I have not asked for any agreement at all, because the Senator from Rhode Island [Mr. ALDRICH] very clearly indicated that he was not now ready to consider one, and gave a good reason why. This is a mere tentative suggestion, which will probably be amended to suit the Senator from Colorado and other Senators who may have special reasons for wanting some slight change in the phraseology; and until it is agreed to, the Senate will act under its general rules.

Mr. HALE. Precisely.

Mr. TILLMAN. And do as it pleases and do as it has done with everything before it.

Mr. HALE. I so understand.

Mr. TELLER. I was moved to make this suggestion by the fact that we had what I think was an unusual agreement with reference to the statehood bill. I was surprised when it was announced that no vote was in order until 4 o'clock on the day of the disposition of that bill, although that statement was strictly correct under the agreement, as I found when I examined it. I wish to avoid a repetition of that. If we want a vote at any time during the last four or five days on any amendment we shall have it, and that we shall stand by that agreement.

Mr. McCUMBER. Mr. President, Senate resolution No. 86, being a resolution introduced by me on the 26th day of February of this year, is a brief synopsis of the points I desire to make in my argument upon the rate bill; and as it contains at least one or two features which I shall ask to be incorporated in an amendment to that bill, I am desirous to make that resolution a part of my remarks, and will ask the Secretary to read it.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Resolved, That the "act to regulate commerce," approved February 4, 1887, and acts amendatory and supplementary thereto, should be so amended as to provide:

First. That the provisions of said act shall be so extended as to cover and include all rates and charges for transfer or switching, and apply to all terminal or other facilities for receiving, handling, and shipping goods, wares, and merchandise, and shall prohibit any and all unjust charges or discrimination in relation thereto.

Second. That if it be established that any railroad company has granted or paid, directly or indirectly, by or through any means or device whatever, any rebate or preference to any shipper, that both such railroad and said shipper shall be adjudged to pay a fine of three times the amount of such rebate or the value of such preference granted or received, in addition to any other fine or penalty now provided in said act.

Third. That all refrigerator cars or cold-storage cars or other cars, whether owned by any railway company or by any other person or corporation, used in interstate commerce, shall be covered by the provisions of said act.

Fourth. That all charges paid by any railroad company for use or rental of any such cars shall be just and reasonable to the end that the owner of such cars using the same for shipment of his own goods shall

secure no unfair or unjust benefit over any other shipper of like goods; and all unjust and unreasonable charges by the owners of such cars for the use or rental thereof to any railway company or for use or rental thereof by any other shippers or for icing or other service in connection with the use thereof shall be prohibited.

Fifth. That on and after January 1, 1909, every railroad company doing an interstate-commerce business shall furnish all cars, whether refrigerator, cold-storage, or other specially constructed or designed cars for the carriage of special merchandise, necessary for the conduct of its business as a common carrier, and shall furnish at just and reasonable rates all icing and other service necessary or proper for the protection of any goods in transit; and on and after such date no such railroad company shall enter into any contract with the owner or shipper of any goods to ship the same in the cars of such owner or shipper or pay any rental for such cars.

Sixth. That all discrimination in rates or service between persons shipping from one point to another point shall be strictly prohibited; but such provision shall not prevent any railroad company from making such special rates to or from any locality as it may deem necessary for the development of such locality or enterprise therein, as may seem to be for the interest of such locality, business, or the railroad serving the same.

Seventh. That the said Interstate Commerce Commission shall be prohibited from making any rules or regulations or adjusting any rates the result of which shall in any respect prevent or discourage free and full competition between the several carrying lines of the country.

Eighth. That such Interstate Commerce Commission shall make no rule or regulation having for its object the distribution of the carrying or transportation business of the country between any particular carrying lines or between any particular cities; but that all such carrying business or transportation of goods shall be allowed to go to such road or roads or through such city or cities as shall be able under free and unfettered competition to secure the same.

Mr. McCOMBER. Mr. President, that resolution in a very few words and in a general way expresses my own convictions and my own personal views as to the scope and the breadth of any law that should be proposed for the government of interstate commerce. It is more drastic in some respects than the bill which has been reported from the Committee on Interstate Commerce. It is drastic in those provisions which are intended to meet drastic conditions, such as rebates, discriminations, private-car offenses, and the like. On the other hand, Mr. President, it would liberalize the present law in respect of special rates designed to develop either a new country or a new industry. It would allow, under proper safeguards and restrictions, special rates for those smaller and weaker industries and to localities for the very purpose of developing them to such a condition that they could break the monopoly of the great trusts and corporations and give the public the benefit of honest competition.

It does not contain any provision about changing the rate-making power from the managers of the railways to a political board, for the reason, Mr. President, that, in my humble judgment, such a provision will not in the slightest degree tend to affect rebates in any way, shape, or manner, or any of the other evils of which we are complaining, but would, on the contrary, be injurious to the public.

Why? First, Mr. President, because it would destroy that elasticity so necessary for building up the interior of the country and building up any new industries; second, it would destroy to a very considerable degree the little competition that now exists between the great carrying lines; and, third, it would lead directly to government ownership of railways in a very short time; and I think that we would all deprecate a condition of that character. A provision, Mr. President, which is very doubtful of good results and very certain of bad results, in my judgment, ought not to be made the law of the country.

Mr. President, I believe that this bill substantially as reported by the Committee on Interstate Commerce will pass this body, that it will be concurred in by the other House, be signed by the President, and become the law of the land. Then what? The worst disappointment that has ever befallen a really injured and expectant people. Why? Because the bill itself from beginning to end in its entire scope is not a bill that can possibly reach at the real things that the people are actually complaining of; secondly, because there is not a single provision aimed at a single one of the real injustices or the evils complained of that is not already a law; and the only other important provision is one which does not remedy any existing evil, but, in my opinion, will result in incalculable injury to the whole country.

Mr. President, the press of the country, with more zeal than logic, has for more than a year persistently, in season and out of season, insisted that all of our transportation evils and all of the evils which are back of these transportation offenses are awaiting only this panacea of Interstate Commerce Commission rate-making power in order to be entirely eradicated. In this the people are being deceived, and as surely as the sun shall rise to-morrow they will awaken soon to a realization of that deception. Worse than this, Mr. President, they will awaken to a realization of the fact that rates which heretofore have rapidly, and in many instances marvelously, declined will in the future become stationary or go even higher; that rates

which heretofore have been sufficiently flexible to adapt themselves to the commercial and industrial exigencies of the country will hereafter become rigid and unyielding; that the great interior of the country, with its thousands of little cities which have flourished and grown independent, will in the future become more and more subservient to a few of the great seaboard towns of the country; and that the competition which has played, heretofore at least, some part in the matter of lowering and maintaining lower rates will hereafter lie dormant. They will awaken, Mr. President, to a realization of the real reason for the utter and absolute complacency of all the great trusts in the country, which are the prime causes of all our transportation evils, and of a thousand other wrongs against the public; and, Mr. President, there will be some reaction, in my opinion, when they find that not a single one of these great trusts has been in the slightest degree affected.

It is impossible to properly consider any legislation proposed to remedy offenses in railroad rate making without investigating the causes which lead to such offenses, causes which not only invite them, but, in very many instances, force them upon unyielding railways.

Mr. President, industrial and commercial America of to-day is not the industrial or commercial America of thirty years ago. Remedies which might have been successfully applied to conditions of thirty years ago have absolutely no potency when applied to the new conditions of to-day; and, Mr. President, the sooner we wake up to this truth and open our eyes to a full realization as to where our industrial course has brought us, the sooner we stop temporizing and avoiding the real issue and face the foe, intrenched though he may be in seemingly impregnable positions, the better will it be for the people and for Congress. We may as well understand now where we are at and what we are up against, industrially and commercially, and then, if we have any remedy for the evils which flow from these changed conditions, let us apply that remedy.

Mr. President, in all the great crises in the world's history, whenever the critical time has arisen which was to determine the survival of the fittest, whether in physical, political, or industrial evolution, the inexorable law of nature has never given but one alternative, destruction or adaptation. Destroy the opposing conditions or submit and adapt yourself to them. That is as much the law to-day as it has been any time in the history of the world.

There is a most extreme nervous tension over this whole country and over the world at large which is ominous, a nervous tension verging almost on hysteria, if we can take the press as a standard. This is not because of the little dissatisfaction that grows out of rate making or the complaints that are made by shippers. It has a broader and a wider significance than that. These are only evidences of this world-wide restlessness. It can only be compared, it seems to me, with that tense strain of public sentiment in this country which followed the election of Mr. Lincoln and continued up to the very beginning of the civil war.

What is this crisis? It is the struggle for supremacy between individualism on the one hand and combination on the other; between the unit individually and the unit collectively; between great corporate interests and opportunities and individual interests and opportunities. These two conditions are now coming in such sharp contact with each other that one or the other will ultimately be supreme. The people are realizing which one of these conditions is rapidly gaining the ascendancy, and, as Americans, with their inherited ideas of independence, they are not disposed to surrender this individual opportunity, with its fairer hopes, with its loftier ambitions, with its fairer aspirations, without most earnest and desperate opposition.

Mr. President, this is the people's battle. This is what is absorbing the interest of the public, awakening distrust, creating an antagonism and uncertain apprehension. The mere changing of the rate-making power of railroads from manager to board, even though it produce all that its most ardent advocates could possibly dare to claim, would be infinitesimal in its influence upon the final result of this contest. Destruction or adaptation is the issue. We must accomplish the one or accept the other.

What is our present industrial situation? Why is the temper of the people becoming so acute? What are the complaints that are made to-day and to which we ought, in justice, to listen? The great industrial concerns of the country, which, by reason of their power, their wealth, their economy, are able to control, and are controlling more and more, the principal branches of industry, and which, while enriching themselves often with marvelous rapidity, are able to strike down competition wherever it may raise its head—these are the causes of this great unrest and uncertainty, amounting to extreme hostility in very many instances. These great corporations enjoy

natural advantages irrespective of any carrying privileges through the railways themselves. These advantages are mostly of an economic nature, wholly independent of special privileges. There is the economy in the great packing houses where not a hair, not a drop of blood, not a hoof, nor a horn, nor a bone, nor an organ, nor its contents are wasted; the economy in our great manufacturing industries, where not a single stroke of the hammer, not a turn of the wrist, not a contraction of a muscle, but is turned to profitable account; advantages in vast credit and ability to control other industries which might otherwise be antagonistic; alliances, both offensive and defensive between each and all of such industrial corporations, whereby the one secures from the other either actual aid or assurance of non-interference while it deals with its smaller adversary. These advantages are wholly independent of special carrying privileges. To compete against such advantages, the smaller concerns must have the special rates. Were it in my power I would give it to them. I certainly would not prevent a railroad from giving such special or preferential rates as would enable them to compete with the greater concerns. Against such a wall of economic advantages, competition may hurl itself in vain. Its defeat is assured.

If a rival arises of such importance as to challenge serious consideration, it is found to be to the mutual advantage of both to unite into a still greater concern and monopolize to a still greater extent the markets of the country.

And so it is that the average American finds that the field of individual opportunity for the man of moderate means to build up an industry which he may with assurance develop and transmit to his children, is becoming more and more limited and supplanted by the great corporation, and he can either go to the wall, eke out a mere existence, or accept a clerkship, or become the manager of a department in the larger concern.

If this average American goes into the open market to purchase the necessities of life, he finds but the dying embers of competition. The meat trust has fixed a month beforehand just what he shall pay for his steak or ham or bacon. The leather trust has determined the price of his shoes and his harnesses. The hat and clothing manufacturers have made an arrangement with each other and with the retail merchant as to the unalterable price for the retail of their respective wares, and the merchant who varies a farthing loses his business. The sugar trust, measuring with scrupulous ability his means to pay, fixes the price of his sugar each day. The oil magnates have a mortgage for a definite amount of his earnings if he indulges in the luxury of light. If he travels he falls into the clutches of the hotel trust. If he wants a home he finds a combination on all available building lots. If he has sufficient wealth to pass this barrier and contract to build, he has fallen into the grasp of a greater trust—the labor trust—whose iron rules forbid more than eight hours for a day's labor, or more than one-half of the laborers' ability during those eight hours. If he desires amusement he is met with the theater trust, and the business man, though his earnings may be fair, is forced to live in a stall. The trusts see to it that he has no surplus at the end of the year.

And so, Mr. President, go where he will, he finds himself corralled by this great wall of trusts upon every side. He sees his opportunity cut off completely, and do we wonder that his mind has got into a condition where it is in a very receptive mood to seize with alacrity and with a ravenous appetite anything he thinks will throttle these great corporate interests?

I was very much interested a year or two ago in the most eloquent address—I might almost call it lecture—made by the Senator from Iowa [Mr. DOLLIVER] on the future possibilities of the young men of energy. He depicted in the most glowing terms, as he always does, the possibilities of every young man who has brain and the energy to go to work to accomplish something for himself. His rhetoric was beautiful, because no matter what the Senator from Iowa may say his wildest fancies always fly on painted wings. He gave us an example of the Studebaker Wagon Company. He depicted an old man who a few years ago in his blacksmith shop hammered day after day while the sparks flew from his sturdy strokes. He followed him up the ladder of prominence until he had some 30,000 people under him, and the Senator gave that as one of the glories and opportunities for the young man of to-day.

Ah, Mr. President, if we should take that Mr. Studebaker and put him in his same old blacksmith shop to-day, hammering with the same energy which he did in those days in which there was opportunity, we would find that he would never get out of that blacksmith shop. The Studebaker of to-day, the young Studebaker, would put a wagon down in front of his shop for one-third what the old man could make it for.

These are the conditions that the people are complaining

against, and bitterly complaining against, and if we can help them in any way I certainly would be one who would be very glad to do it. So I feel that we are diverting this hostile sentiment from its real cause—the great combinations and the great trusts—and we are directing it, fanned by the press into a flame, along certain channels. The sugar trust is far in the distance. The meat trust is somewhere, but we can not reach it. The railways, however, reach into every town and every section of the country, and we see them constantly before us, and it is very much easier to turn the attention of the public to and the animosity of the public against that which they can see than against that which they feel but can not see. So I feel that we are using this sentiment of public indignation, of public animosity, and we are directing it in such a way that it will in the end be detrimental and not beneficial to the very people whose interests we are attempting to subserve.

The real root of the evil which is challenging the serious consideration of the public and creating this animosity which in the end will force paternalism upon the Government is the trustification or combination of the industries of the country. And as I have said before, we can not deal intelligently with railroad rates independent of the great corporations, which every day fix the price of the people's commodities for the next day, and even coerce the great railway systems into rebates and other unlawful devices. What will it avail the public even if in a given case a product is shipped 1 cent per pound cheaper from Chicago to New York if half a dozen men who own all of such commodity or control it still continue the old price?

Now, what the people really want is this: They want a law that will break every one of these great industrial concerns into a thousand different pieces. Then they want another law that will prevent them from ever combining again; and they want another law that will prevent any one of them gaining such ascendancy or growing to such an extent that it will be able again to monopolize the business of the country. And if the Senator from South Carolina, or any other Senator, can conceive of any plan whereby we can constitutionally reach that condition, he will go down in history as the greatest benefactor of the human race. I have myself found no way, but I know that those are the conditions with which we are dealing and they are the conditions about which the people are complaining.

Mr. President, there are other forces that are working more and more toward the aggrandizement, toward increasing the size and importance and the influence, of these great industrial concerns more insidious than the others I have mentioned, simply because no one yet has suggested any remedy for them. I refer to our banking system, to our great fire and life insurance companies, to the savings banks, to our great trust companies.

Our national banking system has been one of the greatest blessings this country has ever enjoyed. It has been able to keep a stable currency, which must be the basis of all industrial progress and prosperity. Our great life and fire insurance companies have likewise been of inestimable value to the American people. Our savings banks and our trust companies, investing the savings of men of small means, have also been of great benefit. But all of these working together have carried within them a seed which under favorable conditions has grown and developed and brought forth its train of evils.

Mr. President, the great increase in the gold production of the United States in the last ten years, the mighty balances of trade, averaging \$400,000,000 in our favor during the last ten years, have given us a quantity of available cash and currency beyond anything that the country has ever known before.

The savings of the people—for despite the fact that they are trust ridden it is a matter of fact that during these prosperous times their savings have been greater than ever before—have poured billions into these receptacles, and thereby subjected enormous sums of money to the control of comparatively few persons. These immense sums of money have been invested; they have been used for speculative purposes in making and breaking markets and have been manipulated to such an extent that they have made vast fortunes for comparatively few people, and those vast sums of money, looking for investment, go back again to those same industries and increase their power and thereby decrease the opportunity for the smaller individual industry.

This, Mr. President, is creating an intense animosity, an animosity which if not checked, I believe, will in the end force this Government more and more into the field of paternalism. I am not raising my voice against the accumulation of great fortunes by honest means, such as grow naturally from the development of any business. The great inventors, such as Edison, have been worth hundreds of millions of dollars to this country, and they are well worthy the millions which perhaps

they have saved. So, too, a man may project a railway into a new country, and by the marvelous development of that country he may become many times a millionaire, but in doing so he has made it possible for hundreds of thousands of people to become rich, to have the comforts and blessings of life; and while he has made one million he has made it possible for the people to make a thousand millions. The field of opportunity should always be open to men of that class. They have been one of the greatest blessings to the human race.

But what the American people object to, and what they have a right to object to, is the vast sums that are being made by their savings, by speculation and manipulation, and which sums, going into the already immense industrial combinations, advance their power and control, and, of course, thereby diminish the field of opportunity for smaller business interests. They object, and they have a right to object, to the great increase in the number of nonproducers as compared with the producing population of the country, for the former must always either directly or indirectly live upon the latter.

This, Mr. President, is a very brief statement of the conditions as they exist to-day. We are rapidly passing through an evolutionary stage which in compacting the mass is destroying the individual, and not without serious complaint on the part of the latter, and to my mind a very just complaint. It does not answer this to say, as has often been said, that there is opportunity for development and opportunity for advancement within the limits of these great concerns. This does not answer human aspirations. The ambition of every father is not that his son shall be a high-salaried clerk, not that he shall simply be an overseer or the head of a department, but that he shall be the head of his own business, with a field of opportunity in which may be broadly developed both the individual and the man; and nothing short of that is going to satisfy human ambition.

Mr. President, these are the conditions the people are crying against. How are you answering their complaint? If you say that the new provision in the rate bill, the only important provision which is not now the law—that of changing the rate-making power from the managers to a political board—will accomplish anything in changing those conditions; if you are luring the public into the belief that this provision will answer their prayer, then certainly the Senator from South Carolina spoke with inspired wisdom when he said that this bill was one of the greatest farces ever perpetrated on the public. Of course he said this before he knew that he was to become the stepfather of this same bill.

There is a false supposition that this will be a new law affecting rebates, but as a matter of truth it does not add one syllable to the old law upon rebates. In my opinion that law is insufficient, as it now stands, and it ought to be modified. Why? Because it does not strike with sufficient and effective force the principal party to the rebate transaction. To be sure it provides for a fine of \$5,000, we will say, but that may be a mere bagatelle as compared with the entire amount which may be received by one of these great concerns in rebates during a year. If the meat trust or any other one of these trusts which are wringing these rebates out of the railways receive \$200,000 in a single year, and if at the end of the year you require it to pay back \$600,000 in fines, the next year, so far as that company is concerned, rebates will have become a matter of past history.

The resolution which I offered follows the recommendation of the President, that both the giver and the taker of a rebate should pay a penalty equivalent to three times the amount of the rebate. Why has this recommendation, the strongest and most potent remedy in abating this abominable practice, been ruthlessly thrust aside? Why have we abandoned the most effective weapon we have in our warfare against this evil while we substitute therefor a provision merely granting the Interstate Commerce Commission the power to fix maximum rates, which no one has had the temerity to assert on this floor would in the slightest degree affect the rebate business, because anyone must know that it is just as easy for a railway company or a trust of any kind to avoid a rate that is made by the Commission as a rate made by the proper board of managers themselves?

Mr. President, it has been shown that a reduction of 1½ mills per ton per mile in the aggregate would prohibit any railway company from paying any dividend; that another reduction of 1½ mills in the aggregate would prevent them paying one dollar upon their bonded indebtedness. I cite these facts for the purpose of showing how sensitive every great carrying line must be to any loss of its business. Now, we will suppose that the beef trust, which controls the greater part of the shipments of beef from Kansas City or Omaha or Chicago, or the sugar trust, which practically controls all shipments of sugar in the country, or the oil trust, which controls practically all the oil

shipped back and forth in the country, says to the railways, "I control all of the shipments of meat," or "oil" or "sugar," as the case may be. "Not only this, but my business is so related and correlated with all the other great concerns of the country that I can turn one-quarter of your business into other channels. I want to destroy my competitor, and I want you to give me a rebate or such other privilege as will enable me to drive him out of the market; and if you do not do it, I will turn this business another way and drive you into bankruptcy."

The freight agent is responsible entirely for the success of his road. The real earnings come from the freight rather than from the passenger traffic. The very existence of that line will depend upon his not losing any particular portion of that business, and he is thereby forced into giving this rebate in order to save his own business. It seems to me that inasmuch as the great industrial concern is the real party in interest, the real party who has driven the railway into this act, it should be the principal party against whom the law should be aimed, simply because they are enabled in that way, first, to destroy the smaller competitors, and as soon as they have done this then to raise their prices again to such an amount as is possible and at the same time not have a serious diminution in their sales.

I will give but a single example: For the last four years the price of cattle on our western plains has been gradually declining. For the same number of years the cost of converting those cattle into meat has also slightly declined. During the same years the price of the finished product as it comes to our tables has very enormously advanced.

Mr. BEVERIDGE. I wish merely to make a suggestion to the Senator in connection with his very interesting speech. Has the Senator the figures for the last three generalizations he has made; and if so, will he put them in his address?

Mr. McCUMBER. I have not got them to-day. I take them generally from statements I have read in the reports. I think they are true. I do not know the exact amounts.

Mr. BEVERIDGE. I thought I remembered that last year, for instance, cattle on the hoof in the farmer's field brought 8 cents. But the Senator has made three generalizations here of very great economic importance, and if he had the figures it would be very helpful to many who are studying the problem if he would insert them.

Mr. McCUMBER. I have not got them here. I take them from the cattle shippers, and I think they are absolutely correct.

If we can place any dependence upon the magazine articles that have been written in the last fifteen years—not those written within the last two or three years of hysteria, but in the earlier period, such as come from the North American Review and magazines of that character—this has been the method adopted by the great trusts in their evolution from comparatively innocent bodies to those of the greatest concerns in the United States.

Mr. President, the people are asking for the enforcement of the present law. They are not asking particularly for the reenactment of the old law, which is being done in this bill, but they are asking for the enforcement of the laws we have to-day. They are asking that rebates shall cease. We have a law for that to-day. They are asking that the great shipper shall have no undue preference over the small shipper. We have a law for that to-day. They are asking that the owner of private cars shall not be able to charge such rentals for the use of his private cars that it operates in effect as a method of rebate which enables him successfully and easily to compete against smaller concerns.

In brief, what the people are asking for is simply honest dealing and an honest enforcement of the law. I know it is difficult to enforce a criminal law of any character, but I believe it is no more difficult to enforce this than almost any other law, and especially with the new provision which you have for a systematic method of bookkeeping.

I am informed that even an editor in New York has been able to unearth considerable of these rebates in the sacred realms of the sugar trust, working unaided and alone, and if this is true, can you say that the Attorney-General, with the entire force and wealth of the country backing him, with any number of specialists to work up the case, is unable to do what an individual can do working alone? This new bill contains an admirable provision in the matter of a uniform system of keeping railway records which will, in my opinion, assist greatly in securing the proper evidence of rebates. Now, supplement this with a law compelling every rebate to be paid thrice over by the party receiving it, and, in my judgment, you will have completely destroyed the system.

Mr. SPOONER. Will the Senator allow me a moment?

Mr. McCUMBER. Certainly.

Mr. SPOONER. In the line of the Senator's argument, I call attention to the fact that the House of Representatives has passed a bill which is pending in the Senate before the Judiciary Committee, to forfeit rebates made to large corporations to which he refers, and providing for the recovery of double rebates at the suit of the Government in execution of the forfeiture provided by the bill. That is in line with the Senator's argument.

Mr. McCUMBER. It is absolutely in line, and it is in line with the recommendation of the President, with the exception that I make it a punishment, and it is a punishment only when it is more than a recovery back of the amount received.

Mr. SPOONER. This is in addition to other penalties.

Mr. McCUMBER. The provision which I have in my resolution here requires them to pay three times over, and especially would I enforce that against the party receiving the rebate.

Mr. BEVERIDGE. Does the Senator embody his suggestion in a resolution?

Mr. McCUMBER. It is in my resolution which was read at the beginning of this address.

Mr. BEVERIDGE. I do not want to interrupt the Senator, but I am very much interested in his remarks. May I ask why the Senator does not put it in the way of an amendment to the bill itself? If it is in the form of a resolution how does he make it effective?

Mr. McCUMBER. The Senator was probably not here when I opened the address.

Mr. BEVERIDGE. I was not.

Mr. McCUMBER. After reading the resolution, I stated that there were two or three provisions in it which I would ask to have inserted as an amendment in the bill itself.

Mr. President, much more intolerable than rebates is the private car system which has grown into use. It is, in effect, a system of legalized discrimination of a most offensive nature. It is but another instrumentality in the hands of the monster industrial concern to secure special freight reduction, which, with its already great advantages, makes it the easier to drive its competitor out of the country's markets.

This is accomplished in three ways:

First, by charging such a high rate to the carrying railways for the use of the refrigerator car, over and above a fair rental value, as to constitute, in effect, the equivalent of a large rebate.

Second, by making such excessive and, in many instances, outrageous charges for icing and other privileges to outside parties using their cars as to wipe out their profits.

Third, by securing from the railway companies, by the same methods adopted in forcing rebates, special privileges, such as rushing their products to their destination ahead of those of their competitors and in securing for them special terminal privileges and advantages.

Mr. President, I am not an expert upon car building, but I have inquired from my friend on my right as to the cost of building the refrigerator cars. I am informed that it ranges from \$800 to \$1,100. We will take, therefore, \$1,000 as a fair basis. We all understand that the cars are simply rented to the railways for three-quarters of a cent per mile. The companies using them pay full freight, but charge back for the car. It is stated by Mr. Hill, in his testimony before the Interstate Commerce Committee, that the average earnings of one of these cars is about \$2.50 a day. Remembering that every one of the cars can practically be used either for meat or fruit; that some of them can be used in the southern fruit section one season of the year, in the California fruit section another, in the Michigan and Middle States another, while those for meat are used the year around, and remembering also that these trains run Sundays as well as other days, we can safely estimate that they will make a run of three hundred days in a year. That would bring in an income of \$750; in other words, 75 per cent upon their investment in that car.

Of course there will be other expenses, but reduce it down to 50 per cent, if you please, that 50 per cent income will amount to what? Take it upon the first basis: If they were given simply a reasonable value on their investment at 6 per cent, they would receive \$60 a year instead of \$750 a year. The balance of that amount, or whatever the sum may be, above the \$60, or a reasonable investment, is the equivalent of a rebate multiplied many times over.

Now, how can any small concern compete against those conditions? To overcome this I have recommended in this resolution, which I will ask to go in as an amendment, first, that all of these special private cars shall be brought under the rules and the laws of the Interstate Commerce Commission. That is already in the bill to-day. Secondly, that the charges for rental and use and for icing shall only be reasonable and just, to the

end that the owner of those cars shall never have an unfair advantage over the smaller shipper. Thirdly, that at the end of about three years all railway companies doing an interstate business shall be compelled to own their own facilities and their own cars. The sooner the railway companies cease their partnerships with any of the shippers, the sooner they are divorced from all character of business outside that of the carrying business, the better I believe for the railways themselves and for the country.

Mr. BACON. I should like to inquire of the Senator if in his suggestion he means to include cars engaged in the transportation of passengers as well as cars engaged in the transportation of freight?

Mr. McCUMBER. I did not, for the reason that I have heard no complaint of any abuses and extra charges by those cars. In fact, our sleeping cars, our Pullman cars, etc., I believe, give us better accommodations than we can get in the hotels for the same price, and we are traveling at the same time.

Mr. BACON. I merely asked the question of the Senator because his language was so general that it would include them.

Mr. McCUMBER. I did not intend it to include them, although they might be included in the resolution.

Mr. President, the old law writers defined law as a rule of action prescribed by the supreme or sovereign power, commanding what is right and prohibiting what is wrong. That definition, to my mind, should be the breadth, the scope, the limitations of government. If the Government will simply make good laws and then enforce those laws, there will never be any need for it to come down from its lofty position of governing to the position of entering into the industries of the country in competition with the people to whom those industries belong, because we well know that if we take that first step into the realm of paternalism, Government control of railway rates, I mean such control as would be manifested in the fixing and determining absolutely those rates, the next and sure to follow step, in my mind, will be the Government ownership of roads.

Why? Mr. President, because there is always an element of the public who are demanding it; and whenever there is such interference on the part of the Government in the running of the roads of the country that the owners themselves desire to get rid of them, then we will have this double force working together and forcing it upon the country.

Ordinarily, Mr. President, when there is a wrong to be remedied, the first thing considered by a legislative body whose duty is to remedy it, is to ascertain what is the best remedy. There may be a hundred bills introduced to cure the wrong, each having its advantages and defects.

It is scarcely possible that any one should be the perfect remedy. Each may have its virtues and vices, and out of all there should be selected those provisions which will insure the greatest amount of good and the least amount of harm. Why should a different rule prevail in this case? Why does anyone insist upon a different rule? The press of the country seems to have usurped the function of Congress, and said in advance of any consideration that one certain remedy is the only remedy. It has given no reasons in support of that contention, nothing but the bald statement.

Mr. President, it seems to me that whenever it comes to the question of deciding a matter according to our own judgment or according to the judgment of the press of the country, the people expect us to use our judgment, and to use it patriotically and honestly for them, and not to be swayed by any character of prejudice.

The committee was directed to take testimony upon this question. That testimony amounts to about five large-sized volumes, nearly all of which is directed toward the one question of the feasibility of conferring the rate-making power upon the Interstate Commerce Commission. Lawyers, railroad managers, scholars, shippers, men who have made railway economics the study of their life, foreign railway managers and those who have studied into that question all gave their testimony upon this subject, and the consensus of the opinion of all and the testimony of nearly every man to support the contention was that granting the rate-making power to any political board would be injurious to the country in the long run.

Now, sitting in judgment upon that specific question, the press ask us to disregard all of this testimony that has been taken carefully and laboriously, to disregard our own judgment, and simply pass a law on what they have seen fit to assert was necessary for the Government of this country.

Before considering the expediency of this question, there are certain legal propositions that rather obstruct our path, and some of them are very important. They are these: First, has Congress itself any constitutional power to fix rates for rail-

ways? Secondly, conceding that it has, can it delegate that power to a commission? Is it legislative or administrative? Third, if it can be exercised by a commission, is it possible to exercise it in any way that will not be in conflict with the provisions of the Constitution against granting preferences to the ports of one State over the ports of another State?

Mr. President, our Attorneys-General and our ex-Attorneys-General, men who were presumed to know the law, seem to differ radically upon this subject. Lawyers of note upon this floor do not always agree upon the proposition. It raises at least a serious question as to what the decision of the courts will be when it is up for final adjudication. It raises a question of sufficient importance, as suggested by the Senator from Wisconsin [Mr. Spooner], to justify us in scrutinizing it with the greatest of care; and if we are sincere in wanting to get a bill that will benefit the public, and one that will stand as law, we should, then, strike from it everything that is absolutely unnecessary, and especially if it is also in our opinion unconstitutional.

Conceding, Mr. President, that all of these legal difficulties which I have mentioned can be overcome, that all of the propositions can be answered in the affirmative, we are led directly to the question of expediency. I am less concerned about the illegality of delegating the rate-making power to the Interstate Commerce Commission than about the propriety of it. If we should err in legal judgment in delegating this authority, the courts can correct our error, but if we should err in making this the law of the land this first step which we have taken in the realm of paternalism can never be retraced, but will compel us to take further steps and walk deeper and deeper into that realm of buried hopes, decaying ambitions, and moldering aspirations.

If the effect of granting this power will insure absolute equality to all shippers from any given point to another, if it will insure that elasticity in the matter of rates necessary for the development of certain sections of the interior and certain industries in the interior of the country, so that such sections or such industry may compete with others in the markets of the world; if it will tend to open up and keep open the greatest possible degree of competition between roads and between localities; if it will continue the gradual lowering of freight rates from the interior, as has been done in the past; if it is possible for a commission to give such enlightened judgment upon the questions of rates from every station on every railway in the United States as the demands of justice may require, then truly the rate-making power should be conferred upon a commission.

But if it can be demonstrated with almost mathematical accuracy that the placing of this gigantic power—the commercial destiny of every village, township, and county in the United States—in the hands of a political body of five or seven men will strangle the last vestige of railway competition, bind every section of our vast domain in the clasp of a hard and inflexible schedule of rates; that it will make the whole interior of the country pay homage to a few seaport cities, and, finally, that it will build up a great political machine that will hold both or all great political parties by the throat, then, in my humble opinion, the people do not want it.

At the very threshold of this discussion we are met with grave and far-reaching questions. How will that mighty power be exercised? Will it open up commerce and traffic to the freest and fullest competition, or will it practically close the gates against all competition? Will it tend to build up and promote the welfare of the great interior, the western arid and semi-arid regions of our extensive domains, which require the fullest and greatest elasticity in the matter of rates, or will it destroy such elasticity in rate making so necessary to the development of this section? Will it tend, by a hard rule, to fix rates absolutely, or will the result of its exercise leave perfect freedom to vary rates from day to day, from week to week, as the exigencies, the conditions of any locality along any line of railway may demand? Will its exercise tend to build up a few of the great seaports at the expense of the interior and at the expense of all other seaports, or will it tend to facilitate the progress and prosperity of the cities of the interior and the country tributary to them? Can a commission by a single order or 10,000 orders meet every contingency, every inequality of distance, inequality in amount carried, inequality of bonded indebtedness, inequality in maintenance, inequality of values, inequality of stock as compared with actual value, and the thousand other inequalities which must be weighed and measured in connection with rate making? Can five or seven men perform the duties now incumbent upon an army of 50,000 men?

Under our present laws railways may lower their schedules of rates upon three days' notice. They may raise the schedule upon ten days' notice. Except for these slight limitations the flexibility of rates is free to meet all commercial exigencies,

the constant shifting of demands of production and consumption. When such rates shall have been established or fixed by a commission, their status can only be altered by the slow process of the rehearings before the Commission, in most cases ineffectual to meet the exigency because of necessary delay. To all intents and purposes, therefore, such rates will become fixed and unalterable. That this would have little effect upon a few of the seaport cities of our country may be conceded. But what effect will it have upon the interior, upon the West and great Northwest? This is a question of supreme importance.

To understand this we must first understand what forces have been responsible for the upbuilding of this great section in the past. Many of us on this floor have spent all of our lives in that section; have grown to manhood in that part of the United States. And every man who has watched our progress or development and the causes which conducted to it knows that the progress, the prosperity, the development of that country and its industries have been due to the efforts of each of the great transcontinental lines to build up the industries and the country along and contiguous to its own road, and that this has been accomplished by discrimination in rates—not discrimination between individuals, which is always pernicious, but discrimination in favor of their own territory; in other words, it has been accomplished by giving especially favorable rates to those sections.

It has been done by giving discriminations in rates as between localities. It has been done by giving preferences where those preferences were absolutely needed to build up a great country. And this is something that we can not justly and fairly take away from that section of country.

They have maintained immigration bureaus to attract settlers along the lines of their roads. They have given special rates to land seekers. They have given special rates for the purpose of developing industries. They have given special rates to laborers to harvest the farmers' grain. They have given special rates to develop the lumber industries of the Pacific slope. To meet these special privileges given by one great transcontinental line other lines of like character were compelled to do likewise, and these all working together have been responsible for making the interior the best country that God's sun ever shone upon. It is due, Mr. President, to this very discrimination, and if you enforce the law rigidly it can not but be injurious to that particular section of the country.

Discrimination in rates as between localities is at the very foundation of the progress and prosperity of every State without the immediate zone of large manufacturing industries, or whose products were far removed from the field of consumption. It is the application of the great Republican principle of protection to infant industries, a protection growing out of the inequality of conditions by reason of greater distance from the field of consumption.

You people of the East many years ago said to the Government: "On account of cheaper labor we are unable to compete with the Old World in our manufactures. To equalize this, give us a preferential tariff." We of the West said to the railroads: "On account of shorter hauls we are unable to compete with the Eastern and Middle States, whose products are raised at the very gates of the manufacturing centers which consume them. To equal this, give us preferential freight rates."

The Government gave to the East its tariff, and as if by magic 10,000 industries sprang into being in all the villages and hamlets, and the whole length of the Alleghenies became skirted with fiery furnaces giving a prosperity undreamed of. The railroads gave to the West rates that made it possible for it to compete with the eastern agriculturist and drive him out of his own fields, and as a result our Indian plains bloomed with the grains and the flowers of the white man's civilization, and homes, those fairest flowers of civilization, dotted our expansive prairies.

Without that discrimination there would have been no Dakotas, no Minnesota, no Montana, or Idaho, or Washington. Take away that discrimination, place us on a mileage basis, and our progress and prosperity would vanish like frostwork in the morning sun.

This matter of discrimination, Mr. President, is absolutely necessary for the building up of certain sections of the country, and it is absolutely necessary in order to maintain their present prosperity.

Mr. BEVERIDGE. Mr. President, will the Senator allow me to ask him a question?

Mr. McCUMBER. Certainly.

Mr. BEVERIDGE. Is it the Senator's position, then, that not only the present proposed law should not be enacted, but that the existing law on the same subject should be repealed?

Mr. McCUMBER. In my opinion, the present proposed law should be enacted with a modification. So that I may not be misunderstood, I will state that I expect to support the law which the wisdom or unwisdom of the Senate shall deem to be for the best interest of the American people, but I think, however, it should be modified. I think our present law in reference to discriminations has not been enforced, and because it could not be enforced is the reason why it has not been a greater damage to us than it really has been.

I can show you, and propose to show before I get through, that instead of enforcing the spirit of that law in the North Atlantic cases the Interstate Commerce Commission enforced exactly the opposite, by its own decision, and absolutely destroyed the competition which we claim is necessary for our own State.

Mr. SPOONER. When the Senator speaks of discriminations I suppose he refers to the discriminations which were lawful at the common law.

Mr. McCUMBER. Certainly; not discriminations between individuals—

Mr. SPOONER. Oh, no.

Mr. McCUMBER. But discrimination in favor of the weaker locality or in favor of the weaker industrial concern as against the stronger that did not need it.

Mr. BEVERIDGE. Will the Senator permit me?

Mr. McCUMBER. Certainly.

Mr. BEVERIDGE. My question was drawn out by the statement of the Senator that certain portions of the country in the interior and farther west had been developed by reason of these discriminations which were an economic necessity and which the present law prevents, and that if the present law had been rigidly enforced those discriminations by which the interior has been built up would have been prevented and an incalculable injury, to use the Senator's own words, would have been done to the country. That is the reason why I asked the Senator whether his position was not only that the proposed law should not be enacted, but that the existing law should be repealed.

Mr. McCUMBER. I purpose to make that clear before I get through.

Mr. SPOONER. My observation had no reference whatever to the Senator's question. I simply wished to understand the Senator from North Dakota that when he spoke of preferences and discriminations, and the general question of facilities in the West, he referred to those which were permitted by the common law.

Mr. BEVERIDGE. He specifically said, however, they were those which were forbidden by the existing interstate-commerce act, which, if it had been rigidly enforced, would have prevented them.

Mr. McCUMBER. If the present interstate-commerce act had been rigidly enforced, there could have been no discriminations between localities, as I understand.

Mr. BEVERIDGE. And therefore the Senator said the interior of the country and farther west would have been incalculably injured.

Mr. McCUMBER. Certainly. If, as a matter of fact, the railway company provides that its charges for taking our products out of our country shall be only one-half of what it charges for bringing things into our country between exactly the same points, you can see there is a discrimination in favor of output as against importation; and that discrimination was absolutely necessary for our growth and prosperity.

Mr. President, Minnesota is not yet fifty years of age as a State. It is my native State, and as I travel over that beautiful country with its fair fields, with its massive red barns, with its great white dwellings, and as I follow into my own Red River Valley of the North I will find the same condition, except perhaps on a little larger scale, as I view the prosperity of those great Northwestern States; and then as I compare those barns and those houses with many of those of the Eastern and the Middle States, whose gray, decaying walls have not known the touch of paint for fifty years—for, Mr. President, everybody will acknowledge that red and white paint are the surest index in the world of agricultural prosperity—as I look at those conditions I can not but ask myself by what magic has it been possible for us of the Dakotas and Minnesota and Iowa, nearly 2,000 miles from eastern seaports, where every bushel of our grain that we sell is to be carried across the ocean, to move that grain nearly 2,000 miles and drive the eastern agriculturist out of his own field? Has it been by any method of dividing the country into great sections, which they call differential sections, and so adjusting the rates between the several carrying lines that they will each receive their proportionate share, and also that each one of the great seaport cities will receive what this Commission may declare to be its proportionate share of the business; or has it been

for the reason that I have stated, of the great effort of those companies to find outlets for our own exports?

What difference does it make to the Northern Pacific or the Great Northern Railroad Company, which are the principal routes in Minnesota and in my State, whether New York or Boston or Baltimore or Philadelphia gets their share of the business? What they are interested in is in securing the very lowest rates that can be secured from their terminals to the Atlantic coast, where our goods must pass en route across the ocean.

Mr. President, suppose that this gigantic power is given to this Interstate Commerce Commission, what is going to be the result? Will it be the destruction of all competition between the great carrying lines? I ask that question in all sincerity—will it be the destruction of competition between all the great carrying lines? Mr. President, coming events cast their shadows before. On the 27th day of April, 1905, the Interstate Commerce Commission handed down its findings and conclusions in the North Atlantic Seaport Differential case. That decision, to my mind, projects a shadow into the future that is as discernible and as clear as the shadow of an eclipse across the face of the earth and demonstrates beyond any possible question the certainty of the very danger that I have spoken of thus far in my discussion. This opinion foreshadows not only the condition which we will be in when the Interstate Commerce Commission fixes the rate, instead of the powers that are in possession to-day, but what the Government's position will be when we reach that next—and, to my mind, sure to follow, step—Government ownership of the railways of this great country. Government ownership in the Old World has resulted in building up a few of the great seaport towns, congesting the people there and congesting traffic there, while at the same time it has absolutely destroyed the prosperity of all of the interior.

I might say a great deal, Mr. President, upon this subject, but it has been so eloquently stated by the Senator from West Virginia [Mr. SCOTT] and by the Senator from Massachusetts [Mr. LODGE] that I will not touch upon that subject any further than to show that that has been the inevitable result. It has been said on this floor that these Commissioners will be human, men of good judgment, and the country need fear no tyrannical action. The surest—aye, the only—preventive against tyranny is to never place tyrannical power in the hands of any person or body of persons. But in this instance this autocratic power can only be carried on by autocratic methods, and tyranny will be the inevitable result.

Mr. President, it may be said at the outset that the granting of this power, in my opinion, will at one blow absolutely destroy competition between all of the great carrying lines of the country; it will strangle that very principle which we have inserted in every law—the free exercise of the competitive spirit of every one of the great carrying lines. It will be tenfold worse, Mr. President, than that which we sought to guard against in the Northern Securities case. Why? Because in that case we simply prevented two competing lines from combining, while in this case you will place all of the great transcontinental lines under one great management, and, as I will show you, that management will be forced—absolutely forced—by industrial and commercial exigencies to follow the same rules that the railways followed when they made their own arrangements of pooling, because in effect it amounts to pooling.

Ever since these great rival lines connected the Atlantic seaboard with the interior of the country there has always been more or less freight warfare between the great lines and also between the great cities that were served by those lines, growing out of the adjustment or the lack of adjustment of differentials. Whether these wars were beneficial to the public in the long run I am not prepared to say. But the condition which existed there, and which made it possible for those wars, was of inestimable value to every shipper from the interior to the seaboard.

Mr. President, this decision makes perfectly clear what is meant by differentials; but as I am speaking for more than the Senate here, I will make my point clear, so that it may be distinctly understood what that term means.

That territory bounded on the west by the Mississippi, south by the Ohio River, east by a line running from Pittsburg to Buffalo, and north by the Great Lakes, is called "differential territory." All shipments for the east, originating directly or indirectly in this territory, had by agreement of the several lines of road operating between such territory and said ports, been based on the rate from Chicago to New York; that is, the rate between any point in this territory to New York was either the same as the Chicago rate to New York or a certain percentage less or greater than that rate. To other points on the

Atlantic seaboard the rate is higher or lower than to New York by a given number of cents per hundred pounds. Thus the rate to Boston might be greater, that to Philadelphia and Baltimore less. These differences above or below the New York rate are termed "differentials."

At the time that this matter was considered by the Interstate Commerce Commission, rates upon all classes and commodities, with the exception of grain and iron, were 2 cents lower to Philadelphia and 3 cents lower to Baltimore than to New York. The Boston rates were the same as New York on export traffic, while on domestic traffic they were higher by amounts ranging from 7 cents per hundred pounds on first-class to 2 cents on sixth-class commodities. The question involved, however, differentials only on export traffic.

Now, anyone who has followed the cases decided by the Interstate Commerce Commission can not but be impressed with the great number which are instituted by or through the boards of trade of our great commercial cities, and that the spirit which governs the institution of these actions has not been so much a desire to protect the interest of individual shippers as to secure the greatest amount of business for this or that particular city. This case was no exception to the rule. The real parties in interest, as in most cases, were cities against railroads, and not the public against railroads. The public was not the party to this action. If it was indirectly a party I can not but feel that its interests were shamefully dealt with. The parties to this action were the municipal corporations of Boston, New York, Philadelphia, and Baltimore, on one part, and the several railroads operating between this differential territory and these cities on the other part. The interest to be considered, and which was, in fact, considered, was not the interest of the people of my State who might ship their grain to New York, Buffalo, or Baltimore, but the interests of those particular cities in securing what each claimed as its share of the business of the country, just as though any city independent of its location was entitled to any particular division or share of the business of the country.

Now, to show how this Commission walked the same path which has led, in the old country, to preferring great seaports, at the expense of the interior, upon the assumption that such cities are entitled, as a matter of right, whether they can honestly compete under natural conditions with other cities, to their share of the business, and thus destroying all competition, I wish to call attention to the reasonings and the conclusions of a majority of this Commission.

On page 62 of the decision in re North Atlantic seaport differentials the Commission say:

It is said that a fair differential is one which would give to these several ports the traffic to which they are entitled. It is also said that these several ports are entitled to what of this traffic they can obtain under a fair differential.

They are entitled not to what they can secure under fair competition, but under a fair (equalizing) differential. By what process of reasoning does the Commission arrive at a conclusion that any city as a matter of right is entitled to such differential that it may obtain its proper proportion of the export business of the country? If Baltimore is one-half the size of New York, then under this decision those rates must be so made that Baltimore will get one-third of the export business and New York will get the other two-thirds.

Mr. President, we have condemned, and we condemn to-day, pooling between railways. This principle adopted by the Interstate Commerce Commission not only legalizes pooling, but imposes it upon all railways. That simple proposition that rates are to be made for the benefit of cities and not for the benefit of the public condemns beyond all measure the power which would authorize such principle being carried into effect by a political body.

I want to say to the Senator from Massachusetts [Mr. Lodge], who so ably defended and pleaded for his own New England States the other day as against the arbitrary power that might be given this Commission, he may well complain if there is no way that we can escape that arbitrary power, for if they follow this opinion they may protect New England, but that opinion is against the law. If they do not follow it, they destroy the industries of New England and many of the industries of the interior.

Again, on page 62, the Commission say:

If again it can be properly done, these rates should be so adjusted that competitive traffic will be fairly distributed between the different lines of railway which serve these ports. Each one of these four cities is reached by two or more great railway systems. The prosperity of these cities and systems can not be separated. The ability of a railroad to adequately discharge its duty for a reasonable charge depends upon the business which it can obtain, and no one of these systems should be deprived of its fair proportion of this export trade.

In simple, plain English what does this mean? It means that the public must be compelled to support a road if that road can not of itself compete with another road; that the rates must be so adjusted that the weaker one shall receive its proportion of the carrying business. For illustration: If the Baltimore and Ohio Railroad can carry my grain from Chicago to Baltimore for 5 cents per hundred pounds less than the Pennsylvania line can carry it to New York, I shall not have the benefit of this natural competition and Baltimore shall not have the benefit of its location; but that the Pennsylvania line must be supported and must have its proportion of that traffic, and if it can not be secured in any other way, the Baltimore and Ohio road must raise its rates or else the other road must lower its rates; and if the other road can not afford to lower its rates, then the Baltimore and Ohio must raise its rates. That is the same Commission to whom you are going to give the power to determine what are just and fair rates.

Does not the mere statement of the proposition by the Interstate Commerce Commission carry with it its own condemnation? Carrying this proposition out in all the great transcontinental lines, that road which has been built or may in the future be built through a poor country, a country that will not give it sufficient business to pay its running expenses, must have its proportion of the carrying trade, and rates must be so made by the other lines that it may secure its proper proportion.

It has always been supposed in the past that great cities were entitled to the enjoyment of the conditions which made them great so long, and only so long, as they subserved the interest of the public, and that railroads were quasi public institutions, because they subserved the interest of the public. The conclusion of the Interstate Commerce Commission reverses this rule and promulgates the startling proposition that the public interest must be subservient to the demands of great cities for the continuation of their prosperity, and that the public business is for the benefit of all the roads or at least all such as the Commission may consider of sufficient importance to demand its protective care. That is certainly a new theory.

Again they say, on page 63:

Now, if there had been no export business in the past, if those domestic rates had been adjusted solely with a view to what was right between the communities, it is altogether probable that the differentials in favor of Baltimore and Philadelphia would have been even greater than they are to-day.

But constituting itself as the guardian of the interests of New York and Boston, the Commission decided that the differentials should be even less than they are to-day, so that these latter cities could enjoy greater commercial prosperity and the whole country, the producer, is made to pay higher freights for the benefit of Boston and New York.

I am not criticising these Commissioners, because I insist that when that power is given them it will have to be exercised along such lines or else they will so disrupt all rates as to produce a case of practical anarchy among all the railroads.

Again, they had to take into consideration the ocean freights. They had to look beyond Boston and Philadelphia and Baltimore. They found, for instance, that our goods, our wheat and corn, would go through the route of least resistance, and that meant the cheapest route, not merely to the seaboard, but to Liverpool, where our grain was carried. They found also that the rates from Baltimore to Liverpool were generally a little more than from New York and Boston, while the facilities for handling and shipping at New York and Boston were better than at Baltimore. They so equalized these different conditions and weighed them and measured them that it became possible for them to arrive at a differential which would allow each of these roads to carry what they considered its proper proportion and each of these cities to have its proportionate share of the business.

On page 69 of this opinion the Commission give us another view. They say:

In view of the fact that Baltimore and Philadelphia have natural advantages in location, that Boston and New York have certain natural advantages in the way of ocean facilities, that it is impossible to make and maintain the same rate through all the ports, we think the true inquiry in adjusting this differential is, What will equalize the advantages of transportation through these various ports? What part of the advantage which Baltimore and Philadelphia enjoy on the score of the inland haul shall they be allowed to retain to compensate them for their disadvantage in the water haul?

In other words, neither Baltimore nor Philadelphia shall retain the natural advantages which they have by reason of location to any extent that will more than equalize any special advantage that New York and Boston have in ocean facilities. If this is not tying up competition, then I would like to be informed of any process or any combination of the railroads themselves which could more effectually strangle competition.

Again, on the same page, they say:

The most important factor in determining the route is undoubtedly the rate. It was said in testimony upon the former investigation, and has been repeated in this, that a difference of from one-fourth to one-eighth of a cent a bushel will determine the port to which grain shall be exported. Other traffic is not equally sensitive, but it must follow, with respect to this low-grade freight, that the through rate by all lines should be substantially the same.

Now, note their decision: "It must follow with respect to this low-grade freight that the through rate by all lines should be substantially the same." Why should the rates by all lines be substantially the same? Why should not the shipper have the benefit of the lines which can carry his goods most cheaply to any port? The answer of the Commission is that if that natural rule should apply certain cities would not receive their share of the export business and certain railroads would not receive their share of the carrying trade. They decided that it was their duty to look after the interest of those roads and those cities which can not, under natural laws and natural conditions, compete with other roads or other cities; and they considered it their duty to so check and interfere with the natural law of competition that it shall not work against the interest of such roads or such cities. I candidly ask the question, Is this what the people of my country or of any of the inland country are asking for? If it is not, is it what they will surely get if the Commission has power to give it to them? I am not blaming or complaining of the Commission. It will be compelled to take the place of the traffic managers of all railways. To-day each manager is compelled to look after the interests of his own system. When he is supplanted by the Interstate Commerce Commission that Commission must look after the interest of their system, and it can only do so by so adjusting rates so that everyone shall receive its portion of the business, because it has stated again and again that the public necessities demand that each one of these roads shall receive its proper proportion of the carrying business in order that it may properly subserve the interests of the people along its line.

So they are driven into the same position that they have been driven into in the old countries; and I am doubtful if they will get as good an adjustment of it as they would if they would leave it entirely in the hands of the present managers.

Mr. DOLLIVER. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. With pleasure.

Mr. DOLLIVER. The Senator appears to be reading from the finding of the Commission in the case of the seaboard discriminations or preferentials submitted to the Interstate Commerce Commission for a voluntary arbitration. Does the Senator claim that there is anything in the existing law that would give to the Interstate Commerce Commission the jurisdiction which they voluntarily, at the request of the railway companies, exercised in that case?

Beyond that, I call the Senator's attention to the fact that the pending bill expressly excludes, or in effect excludes, the jurisdiction to determine these differentials and confines the jurisdiction of the Commission entirely to a complaint against a given carrier for excessive or discriminating rates, and does not authorize the Commission in any way to enter this field of territorial discrimination, weighing against each other the separate and independent railway systems of the country or the independent and separate markets of the country.

Mr. McCUMBER. Mr. President, the Senator speaks of the existing law. Under the existing law the Commissioners held in that case that they could not make it binding upon the company, but that that was the law which should govern and it is the law which they would enforce if they had the power to enforce it. The pending bill, by giving them the power to fix maximum rates, in my opinion, does give them the power to enforce exactly that provision. Let us suppose that here is a line from Chicago to New York and another line running from Chicago to Baltimore and New York. One line can afford, by reason of its facilities, by reason of its not being too greatly in debt, and a thousand other reasons, to carry grain, say, at 20 cents a hundred. When the Commission pass upon the question of the rate on grain for that railroad alone they are compelled to say that that 20 cents a hundred is a reasonable rate. When they come to the other road they will find that it can not pay dividends unless it charges 25 cents a hundred, yet by saying that the rate upon the first road shall be 20 cents a hundred they are compelled by the logic of events to hold that that is a reasonable rate between Chicago and New York, because the product is going by the road that will take it the cheapest. So the other road would be destroyed. But following the North Atlantic differential case, they would be compelled to call a halt and say the interests of the country demand that reasonable rates shall be so construed

that they will be reasonable for every one of these roads, so that they all may participate in the traffic.

I have tried to study out the real meaning and intentment of this rate-making power. I should like to ride in your train, if I knew what station it was going to land me in; but there is not a single one among your own advocates who can tell me the direction it is going or on what track it is running. None of you arrive at the same conclusion as to where you are going, because you do not start upon your first basis; and that is this basis of reasonableness. I know of no method of determining accurately the question of reasonableness, except you take up one road at a time, and if you do that you have got just as many reasonable rates as there are roads and all different. On the other hand, if you take a railroad that can haul for the least amount between two given points and you make that your basis, then every one of the other roads will have to carry unreasonably low to compete; and if you take as a basis the road that will be the most expensive, whether it is by valuation or anything else, then the rate of every other road will be unreasonably high; and if you take some middle ground between them, then half of them, on one side, will be unreasonably high, and the other half unreasonably low.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. With pleasure.

Mr. TILLMAN. The Senator said a moment ago that not one of us knew where we are going or where the train would land. Does the Senator know where he is going? [Laughter.]

Mr. McCUMBER. I am going to stand where I am until the Senator shows where he is going to land me; but if he can show me a better place than where I am, I am going with him. I do not want the Senator to understand that because I criticize this portion of the bill, I am opposed to the bill as a whole.

Mr. TILLMAN. The Senator said a moment ago, if he will permit me, that this territory, speaking of the inland territory, had been built up by reason of favoritism. He did not use that language exactly, but that was the idea—that there had been discrimination in favor of it.

Mr. McCUMBER. You can use that language, because that is what I mean.

Mr. TILLMAN. I have seen a good many statements coming from farther west, where there is a great outcry over the discrimination against those points—Denver, Spokane, and other points are loud, howling, in fact, because they say they are practically being destroyed by this very favoritism; and I, for one, have been trying to go to that point where everybody will have an equal show, and where you will have no discrimination between sections or between localities or between individuals.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Rhode Island?

Mr. McCUMBER. Certainly.

Mr. ALDRICH. I should like to ask the Senator from South Carolina a question, if the Senator from North Dakota will permit me.

Mr. McCUMBER. Certainly.

Mr. ALDRICH. I should like to ask the Senator from South Carolina whether this bill, in his opinion, gives jurisdiction to the Commission over the question of differentials?

Mr. TILLMAN. I have not examined that particular point.

Mr. ALDRICH. Well, it is the most vital point in this bill, or one of the most vital points, and it is a question about which there seems to be a difference of opinion.

Mr. DOLLIVER. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. Certainly.

Mr. ALDRICH. I would be glad to have any Senator answer it who thinks he can.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. I yield to all Senators.

Mr. BEVERIDGE (to Mr. ALDRICH). Repeat the question.

Mr. ALDRICH. It is whether the bill before the Senate gives to the Commission jurisdiction over differentials between different localities and ports.

Mr. TILLMAN. The main thing in it is to give the Commission jurisdiction over the fixing of rates.

Mr. ALDRICH. I was content with the Senator's first answer, which seemed to be conclusive. I would be glad to hear some one else who will give a different answer.

Mr. DOLLIVER. The jurisdiction given by section 15 of this bill is plain, I think. It gives jurisdiction to the Commission, where a complaint is made that a given rate is too high or is in

the nature of a discrimination forbidden by law, to make an order prescribing a maximum rate and an order to require the carrier to cease and desist from the discrimination in so far as they find it to exist. The complaint authorized is under section 13 of the existing law, and must be directed against a given carrier, or, where more than one carrier participates in a joint rate, against the carriers participating in it. It will be seen, therefore, that the bill deals with no rates except rates that are too high, charged by a carrier, or in the case of a joint rate, by the carriers who participate in it, and with cases of discrimination made by a carrier on its own line or upon the joint line of more than one carrier participating in the same joint carriage.

It is therefore obvious that the bill applies to no excessive rates and no discriminations except such as are involved in the carriage of goods over a particular line or a joint line. It does not therefore include these port differentials or any of the territorial conflicts, such as the one that was recently submitted by the trunk lines to the voluntary arbitration of the Interstate Commerce Commission.

Mr. McCUMBER. Evidently we differ a little upon the construction of that law. Let us suppose that the board of trade of the city of Minneapolis, in Minnesota, should lay before the Commission the charge that the rates charged on all of class A freight between Minneapolis and Chicago over the Chicago and Milwaukee road was excessively high and unjust. Does the Senator mean to say to me that the Commission would not be compelled to take cognizance of that matter? If I understand the law, you may not only bring in one little shipment, but you may also invite the railroad commissioner of any State to make up a schedule of rates which he says are too high, and the Commission has to consider those; and if I can understand law at all, if I can construe the language of that measure, if I read it correctly, then the power lies with the board absolutely to consider not only one article, but any class of articles between any two cities, and that in effect will determine the whole question. If you can take up one class, you can take them all up in the same way.

Mr. ALDRICH. But this provision of section 15 of the bill as it came from the House directs the Commission to inquire into any rates that are otherwise in violation of the provisions of "this act"—that is, the interstate-commerce act; and the third section of the interstate-commerce act reads as follows:

That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic.

Those words are written into the interstate-commerce act, and any rates which are in violation of that provision it is the duty of the Commission to consider and report upon as much as upon the question of reasonableness. I can not understand the use of language if that does not give to the Interstate Commerce Commission jurisdiction over differentials.

Mr. DOLLIVER. Will my friend the Senator from North Dakota permit me?

Mr. McCUMBER. Certainly.

Mr. DOLLIVER. Admitting what the Senator from Rhode Island says, it is evident that the discriminations referred to there are not such discriminations as might be claimed to arise by comparing the rate on the Illinois Central from Chicago to New Orleans with the rate on the Lake Shore and New York Central from Chicago to New York City.

Mr. ALDRICH. "Any" is the word used.

Mr. DOLLIVER. But it is not competent to establish a claim against the Illinois Central on account of a discrimination made by some other railroad. The whole object of this bill has been to narrow the jurisdiction of the Commission to a complaint directed to be made by certain authorized parties against a common carrier, or, where there is more than one, against the railroads interested in the joint carriage. There can not be found in the bill a line which authorizes the Commission to weigh the rates to New York against the rates on another railroad to New Orleans, or Baltimore, or Philadelphia, or anywhere else.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Ohio?

Mr. McCUMBER. I will yield to the Senator, and then I must proceed.

Mr. FORAKER. I wish to ask the Senator from Iowa, if the Senator from North Dakota does not object, how otherwise under this bill, if it become a law, it would be possible for the Interstate Commerce Commission to hear and determine whether the rate from Chicago to New York is an unreasonable rate as compared with the rate to Baltimore and Philadelphia, which, because of the differential, is put 2 or 3 cents lower, and for no other reason?

Mr. DOLLIVER. The Interstate Commerce Commission will be required under this bill to deal with the complaint on its merits, to make whatever inquiry is necessary, to use the information it has and all the information it can get, but directed to the question whether the rate complained of as excessive is in reality too high.

Mr. FORAKER. That is it precisely; but the question we are determining is whether or not the rate from Chicago to New York is excessive as compared with the rate from Chicago to Philadelphia or Chicago to Baltimore. The complaint may not be in that exact form, but necessarily, if there is an intelligent investigation, it will comprehend that, because it is only by considering relative rates that you can determine whether or not a difference of 2 or 3 cents on grain from Chicago to New York is a discrimination; and if the Commission would be compelled to consider that, the whole system of differentials goes to the wall, and the disruption which the Senator from North Dakota has pictured so eloquently and forcibly would inevitably follow, for according to the finding of the Commissioners themselves a difference of one-eighth of a cent per bushel on grain from Chicago to New York would destroy the whole distribution that has been brought about between the roads and the cities by this differential.

Mr. McCUMBER. I really can not understand the position of the Senator from Iowa when he considers section 3 of the law as it now stands. The bill which he is advocating provides for the enforcement of the provisions of that law, and as this law prevents anything which would be a discrimination as between localities as well as between persons, and as discrimination between localities is always a question of differentials, of course the Commission must consider and fix differentials in order to prevent those discriminations between localities.

Mr. DOLLIVER. It is true that section 3 refers to differentials, but not to differentials such as he is talking about. It refers to differentials that may exist along a line of railroad between the localities served by the railroad.

Mr. FORAKER. If the Senator will allow me, he will certainly concede, when his attention is called to it, that the kind of differential, to employ his expression, to which he now refers is known in technical language as a "preferential."

Mr. DOLLIVER. Very well.

Mr. FORAKER. Differentials are those that apply to ports, and the term has been correctly employed by the Senator from North Dakota.

Mr. DOLLIVER. The word "differential" applies to ports, but section 3 of the original interstate-commerce act does not refer to such discrimination as may arise out of the fact that one railroad charges more than another, but out of the fact that the same railroad charges one point on its line more than another.

Mr. ALDRICH. The Senator from Iowa must find that distinction outside of the language of the act, because the language of the act is broad enough to cover and does cover in terms any possible discrimination between localities.

Mr. FORAKER. Will the Senator from North Dakota permit me to ask the Senator from Iowa just one more question?

Mr. McCUMBER. Certainly.

Mr. FORAKER. In the interstate-commerce bill, as it is called, presented by the Interstate Commerce Commission, it was carefully provided that they should have jurisdiction not only to determine maximum rates, but minimum rates, and to fix differentials. When the bill which is now under consideration was introduced, or, at least, when it came here, that had been taken out of it. I want to ask the Senator from Iowa why it was that all allusion to differentials in terms was stricken out of the bill, except only for the reason that he foresaw that it would be absolutely impossible for the Commission to fix differentials, that it would be in conflict with—

Mr. DOLLIVER. I will say frankly that my study of the question convinced me that it would be quite impossible, and for practical purposes possibly dangerous to the commercial peace of the country, to clothe the Interstate Commerce Commission with the power against which my honorable friend the Senator from North Dakota is contending. I studied very carefully that decision and other decisions in which they undertook to exercise this territorial jurisdiction, weighing one market against another and one railroad against another, although they serve far separate communities; and upon a study of the question, running over a very long space of time, I became convinced that such a jurisdiction ought not to be conferred upon the Commission. That suggestion of the Interstate Commerce Commission was omitted in the bill which I had the honor to introduce in the Senate because I recognized the force of what the Senator from North Dakota has said in relation to this matter, and I did not desire to be put in the at-

titute of seeking to clothe the Commission with that vast power over the competitive market places of the United States.

Mr. McCUMBER. The Senator undoubtedly—

Mr. SPOONER. Will the Senator allow me for a moment?

Mr. McCUMBER. Certainly.

Mr. SPOONER. I want to ask the Senator from Iowa for his opinion. He has given the bill careful examination. In his opinion, would it work no change in this bill to insert in it a proviso that it is not the intention of this bill and it shall not be construed to authorize the Commission to fix differentials?

Mr. DOLLIVER. If the word "differential" has a fixed and technical definition, as my friend from Ohio suggests, I certainly would have no objection to that. I would rather, however, clothe the proposition in such general phraseology as would avoid any uncertainty as to the word "differential." In the testimony before our committee the word seemed to be used indiscriminately to describe the differences between the rates of different railroads and between different points on the same railroad; and there evidently was some confusion in the technical meaning of the term. But so far as this bill is concerned—and I do not know whether anybody agrees with the bill or not—the intention of it was to narrow the jurisdiction of the Commission to the simple business of reducing a rate which was found to be too high or reducing a rate at the high point which was found to be a discrimination against localities along the lines of the carriers interested in that rate.

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. BACON. I should like to ask the Senator from Iowa a question.

The VICE-PRESIDENT. The Senator from North Dakota has not yet yielded. Does he yield?

Mr. McCUMBER. I would if I had not yielded so often for the Senator from Iowa to answer questions.

Mr. BACON. Then I will not trespass upon the Senator.

Mr. McCUMBER. However, I will yield this time to let the Senator from Georgia ask the question.

The VICE-PRESIDENT. The Senator from North Dakota yields.

Mr. BACON. I appreciate the courtesy of the Senator, but I realize the fact that possibly he has extended it as far as he should, and desires to conclude his speech. I can make the inquiry at some other time. While I appreciate it, I will not take advantage of the Senator's courtesy.

Mr. McCUMBER. I thank the Senator very much.

Mr. President, I do not think that the Senator from Iowa [Mr. DOLLIVER] comprehends the point I desire to make in this respect, and I will give a concrete case. We will suppose that the Northern Pacific will make rates to Tacoma, on the western coast, lower on a certain class of goods, or on all export goods, than the Great Northern will make to Seattle. The result would be that the Northern Pacific would get that business. It would get all of the export business, and Tacoma would be the exporting city.

Now, following the decision and the rule that was laid down in the North Atlantic Differential case, what would be the duty of the Commission when the case is brought up before it? They have said that it is not to the interest of the public that the business shall be taken by one line entirely away from the other. They have said that it is not for the interest of the public that the people of the great cities should be deprived of their export business. They have given that—and with good reason, I think, in many instances—as the very foundation of their holding.

Now, what I mean to say, is that when the Commission pass upon the reasonableness of the rate of the Northern Pacific from Minneapolis or St. Paul to Tacoma, they will be forced, by the logic of the situation, in order to maintain a proper equilibrium, which will be for the benefit of the public, also to consider what would be the effect upon the other roads of lowering the rate to a certain amount. I am not only defending them upon that proposition, but I am insisting that unless we have absolutely chaotic conditions with respect to our railways that will be absolutely necessary. The railways themselves have found it necessary in order to continue the business without a continuous rate warfare, and I believe the Commission will be justified in holding more or less to that particular contention.

Now, Mr. President, I wish to go a little further.

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Nevada?

Mr. NEWLANDS. I wish to ask the Senator a question.

Mr. McCUMBER. Certainly.

Mr. NEWLANDS. That is, whether there is not this distinc-

tion: I understand the Senator to refer to the case of a rate from Minneapolis to Tacoma by the Great Northern and from Minneapolis to Seattle by the Northern Pacific.

Mr. KEAN. Just the reverse.

Mr. McCUMBER. Just the reverse.

Mr. NEWLANDS. Just the reverse; and he assumes that one rate—the rate to Seattle—is less than the other, and in that way Seattle would absorb all the export business. Now, we will assume that these two roads were in one ownership. I can imagine then that under this bill if that preference were given to Seattle over Tacoma or to Tacoma over Seattle, a complaint would be made under this act. But if the two roads are in separate ownership, each in the ownership of a corporation, I do not see how the Interstate Commerce Commission could be called upon then to determine the question for the only complaint, if the Senator will permit me—

Mr. McCUMBER. I will make that clear.

Mr. NEWLANDS. The only complaint will be of the action of a particular road in the area of its own territory.

Mr. McCUMBER. I know; but suppose—

Mr. NEWLANDS. And a comparison with the action of another road in—

Mr. McCUMBER. I understand that.

Mr. NEWLANDS. Will not furnish any basis for determining the reasonableness or the unreasonableness of the charge by the individual road.

Mr. McCUMBER. The point is simply here. Suppose the rate on the Northern Pacific is challenged as being still too high. Suppose the Northern Pacific can carry freight at rates at which the Great Northern can not profitably carry it to Seattle, and the rate of the Northern Pacific is still challenged as being too high, that they could afford to carry cheaper even than the rate fixed; then I say that the Interstate Commerce Commission will be forced to take into consideration what other roads could carry it for in fixing a standard of reasonableness for the Northern Pacific.

Mr. NEWLANDS. Not, it seems to me, if the Interstate Commerce Commission—

Mr. BEVERIDGE. How will the Commission get jurisdiction over the Great Northern?

Mr. McCUMBER. I am not speaking of any jurisdiction over the Great Northern. I say the Commission would not reduce the rate if the effect of the reduction would be to deprive Seattle of its business or to drive the Great Northern out of business. In other words, they will fix no rate that will send another railway, a competing line, into bankruptcy or that will seriously injure it. That is the proposition which I have been trying to lay down.

Mr. NEWLANDS. I do not understand, let me say to the Senator, that the Interstate Commerce Commission, in determining the reasonableness of rates upon a given road, is to allow the rates on another and different line to enter into the calculation at all.

Mr. McCUMBER. Then the Senator has not understood the argument I have been trying to deduce, and that which is clearly deducible, from the North Atlantic Differential case, where they claimed that it is necessary and proper to take that matter into consideration.

Mr. NEWLANDS. The Senator must recollect that that case was not considered under the interstate-commerce act. It was considered as a matter of voluntary arbitration between the parties.

Mr. McCUMBER. It was an arbitration, but in that they are laying down a few general propositions that would govern in fixing rates.

Mr. NEWLANDS. That govern them in voluntary arbitration—

Mr. McCUMBER. Yes; and in involuntary arbitration.

Mr. NEWLANDS. And not in exercising authority under the interstate-commerce act? It seems to me the Supreme Court has laid down the rule in *Smith v. Ames* as to what shall be considered in determining the reasonableness of rates, and they simply consider the question of value and return upon value—the value of the individual road and the return upon the value of the individual road—and no other considerations than those are alluded to in that opinion.

Mr. McCUMBER. And the value of one road, if fixed by what it can pay, is three times, perhaps, as great as the value of another road that is beside it and competing with it. That is not a basis for determining it, and I confess I do not know any reasonable basis for determining it. It has to be determined according to the exigencies, the conditions of the traffic throughout the country, the law of supply and consumption. That is what will necessarily have to determine it, and it can not be based upon the valuation of any other road.

I wish to call attention to another matter, and then I will pass from this. On page 70 the Commission say:

What does the result fairly show? Does this competitive traffic move through these ports freely, or do these differentials give to Baltimore and Philadelphia a distinct and unfair advantage over New York and Boston?

They conclude that it does, and therefore modify the differential accordingly. What does the Commission mean by an unfair advantage? It calls a natural advantage which would give greater business to Baltimore and Philadelphia and the roads leading thereto unfair. They apply it to serving the entire public. And its idea of fairness demands a surrender of the benefits of a natural advantage.

Again, on page 74, they say:

It is therefore possible that in the future it may become evident that Boston can not fairly compete for this traffic upon the present basis; but we do not feel that the record before us would justify that inference to-day.

If, however, in the future it shall appear to the Commission that Boston can not fairly compete with Philadelphia or Baltimore, then the Commission will see to it that Baltimore and Philadelphia rates are so increased that Boston can compete.

Finally, on page 75, in treating of ex-lake traffic, the Commission say:

These four cities are all seaports. This is a fundamental advantage of location which entitles each and every one of them to participate in this export business and the public requires that this right shall be recognized.

Now, that is a judicial or semi-judicial utterance, "and the public interest requires that this right shall be recognized"—the right of this differential in their favor—so that they may secure their proper proportion of the business. I am not denying that perhaps the public interest in the long run will require that.

Now, why does the Commission stop with these four seaports? Why should not the same rule apply to Portland, Me., or Charleston, S. C., or any other of the smaller ports? On what theory does the Commission base its finding that each of these cities is entitled to participate in the export business? The only cities that are entitled to participate, according to the economics of my country, which is the shipper, are those cities that can furnish us the cheapest transportation between the field of production and the field of consumption in the old country, where it is going; and if Boston can do better than any other city, then, according to our views, Boston is entitled to the whole of it. But according to the views of the eastern people who are interested in building up Boston and building up their industries, the essential interest of the people of that section is exactly the contrary.

Commissioner Clements dissented quite strongly against this proposition. The view which I have taken in reference to this decision, and the view which, it seems to me, must be taken by everyone who is an advocate of honest competition, seems for the most part to be exactly in harmony with the view taken by Commissioner Clements, as shown in his dissenting opinion; and as that opinion demonstrates more clearly than I am able to do the dangers which would follow from carrying into effect this decision if the power were actually given to the Commission, I will avail myself of the privilege of quoting from his dissenting opinion. After considering many of the conclusions of the majority, he says, page 78:

If this were a proceeding against a carrier reaching by its lines all of the ports in question, it would be within the jurisdiction of the Commission to deal with the differences in rates as discriminations between localities by such carrier and, if found undue, to condemn them. * * * But there is a manifest and radical difference between a matter of discrimination like that by a carrier between places on its line, and which is clearly covered by the provisions of the third section of the act to regulate commerce, and the fixing of differentials in rates to or through the various ports and over independent and competing railroads. In the latter case the law has undertaken to leave the free play of competition to adjust rates, subject only to the requirements made of each carrier that its rates shall be reasonable and just and shall not unduly discriminate between commodities or between persons and localities reached or served by it.

In this he properly differentiates a discrimination by a railroad between localities along its line and a differential in rates to various ports over different competing lines. I think, however, that when this supervisory control is given to the extent of absolutely fixing the rates by the Commission, he will be compelled to follow the rule adopted by the other four members.

Again he says, page 78:

The foregoing report proceeds upon the idea that there is some legitimate and ascertainable standard of fairness by which there can be fixed a limited and proper degree of competition and measure of distribution of the traffic between the ports and carrier other than that wrought by competition. The law undertakes to fix no such standard or limitation; nor does it authorize the Commission to do so even for the purpose of putting to rest these questions so long and so often involved in the competitive contests between carriers.

And it might be added that the law neither undertakes to fix such standard or limitation, nor ought it ever to put in the

hands of a Commission the power to fix such standard or limitation.

Again he says, page 79:

Thus it is seen the purpose and effect of the conclusions is to declare what differences in rates the railroads should make to the four ports for the purpose of distributing the business. Whether the carriers see fit to follow the suggestions of the Commission, which they are, of course, in no sense bound to do, or decline to accede to the same, will, in my opinion, leave the Commission in an embarrassing attitude.

If they acquiesce we will have gone beyond our authority to interfere in the course of trade, determining the direction and destination of commerce, a matter with which we are not charged. To-morrow we may be called upon to determine what share the Gulf ports may have and the Gulf roads carry, the next day to fix the proportion to which the Pacific coast is entitled.

And, again, he very forcibly says on page 80:

In declaring as between competing lines and competing ports what differentials shall govern, assuming that they will govern, we hamper competition, and by this regulation of distribution effect in reality a division of territory, a division of traffic, and a division of earnings, which in substance and effect tend to defeat not only the purpose of the antitrust act against the restraint of trade, but the pooling provision of the interstate-commerce act, with the enforcement of which the Commission is charged.

And, again, on page 81:

May competing carriers lawfully effect, through the agency of the Commission, restraint of competition and trade by a division of traffic between themselves and the ports, when to do the same thing through an agency of their own would be unlawful? I think not.

In this last quotation he clinches the argument that forcing a division of traffic by the rate-making power destroys the very competition that we are seeking to maintain.

Mr. President, I believe it is to the best interest of the country, or certain sections of the country, that railroads should have the right to discriminate in their favor, not that they may raise the rates unreasonably high, but that they may place the rates unreasonably low. I will give a case of this kind. Suppose citizens of Oshkosh, Wis., go to the Milwaukee or whatever road serves them and say, "We have the timber here; we should like to build up a great furniture manufacturing industry; but Grand Rapids, in Michigan, has cornered all the Chicago business; they have been running for fifty years; they can conduct their business so economically that for several years at least we could not compete with them; and our only method of competition is for you to give us preferential special rates to the Chicago market." The railway says, "We will haul your products for three years for just exactly what it will cost, and after that we will raise the rate to such an extent as we can afford to carry them. This will then build up your industry."

Now, the Commission appears and says, under the law which you would pass, "You can not give this rate to that particular city unless you give it to every other city on the line, and to every other person who is attempting to build up any kind of an industry along any particular line." Thus you are deprived of building up a business there that would benefit the railways and would benefit also the country.

You deprive them of competition. I recall this character of a condition: Here is a section of country where they raise nothing but potatoes, or another section where they raise nothing but flax. They have raised an excellent crop of potatoes there, but at the same time they have raised an excellent crop over the country, and they find, when they want to ship those potatoes to the market, the freight rates will equal what they can get for them in the market of consumption. The railway says, "We will carry these goods this year at even less than cost. We will carry them for the express purpose of keeping that business there. To do that we will have to lower our rates here, and we will have to raise them, it may be, in the wheat-raising section, because we can not afford to cut down the general result of our income to meet running expenses."

Under this law they could not do it. They could not change the rate except upon thirty days' notice, and in thirty days the potatoes would be rotten.

I believe that the best interest, especially of any new country, demands that a railway may discriminate in favor of any locality by giving especially low rates to some particular industry; that while they shall be always prohibited from making any rate unreasonably high, they shall not be prohibited from making one unreasonably low for a legitimate purpose.

Mr. President, in the Old World the railway management simply supplies the demand for carriage. They do not attempt to make markets. They supply the demand for the markets. The exact reverse is the rule in this country. Our railways, especially in a new country, must give special attention to creating markets. Their management must study the demand; they must carefully compare the field of production with the field of consumption, not only in this country but in every other country. They must build up and stimulate trade. In this country they make the demand; they work for it; they develop

industries, and they find markets. As long as they do this, then I say that they should have the privilege of giving such special and low rates under certain conditions to certain places in the country as would be beneficial to the part of the country that is given those particularly low rates.

Now, Mr. President, answering the Senator from South Carolina about the complaints in the southwestern part of the country. The southwestern cattle raisers complain somewhat not that their rates are too high—they are not saying that—but they say that compared with the rates North Dakota and Montana get they are not treated fairly; that their rates are much higher than in those States. So the lumbermen from the South say that the rates from the southern lumber districts as compared with the rates from the Pacific coast districts are excessively high, thus favoring the Pacific coast.

That is true for three reasons. First, those rates were made excessively low for the very purpose of developing that western lumber industry. Again, the railroad companies could afford to do it, because the industry is of such importance that they can haul loaded trains both ways. Again, they do it because the settlement along the northern roads is much more dense than it is along the southwestern roads, and therefore they can carry cheaper. Now, if the railways can give us that benefit we are entitled to it.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. With pleasure.

Mr. TILLMAN. Do I understand the Senator to contend that the population along the road from Dakota to the Pacific coast, where these lumber districts are, is more dense than it is from any point in the South northward?

Mr. McCUMBER. I said the Southwest.

Mr. TILLMAN. Going over to Texas as far as our lumber district extends?

Mr. McCUMBER. I will take the section on the Rio Grande, the roads that run to Denver and to the coast. They pass through more country that is unsettled a certain portion of the distance than the roads running through the northern section. Minnesota and the Dakotas are very well settled. There are great settlements in Washington and along the Northern Pacific. Along the Great Northern road we have a considerable population in every one of the States, while in portions of Nevada and portions of California, in Utah, Arizona, and the other sections there is very much less population, and of course less business.

Mr. TILLMAN. I think the Senator will find on examination that he is away from the facts in regard to the density of population in the country between the Pacific and the Dakotas or the part of the country south of the Dakotas which is near the edge of the arid belt. I know it runs between the ninety-ninth and the hundredth parallel; but there is no part of that country that is at all comparable to any part of the Southwest in lumber. There may be no lumber away out in the Rio Grande country; I do not think there is; it is too dry; but from any part of Texas where there are trees I am sure northward through the Indian Territory and Oklahoma the country is four times—ten times—as densely populated as any part of the country west referred to, until you reach the Pacific coast.

Mr. McCUMBER. That may be true as to certain portions of it. But now let me take up this same matter of the discrimination in favor of localities. In the early part of the history of North Dakota, or of the Dakotas, all of our lumber came from the pine woods of Minnesota and Wisconsin and Michigan. There was very little competition. But away to the west of us lay the immense primeval forests of fir and pine of Oregon and Washington. We needed their lumber and they needed our market. They were too remote from the field of consumption to compete with the lumbermen of Minnesota and Wisconsin on anything like equal carrying charges. The only way to meet this condition was by discrimination, and by a great discrimination in favor of the western product and even over the same line of road.

So the managers of our northern railways said to the lumbermen of the west coast, "For what carrying charges can you compete on the plains of Dakota with your lumber as against Minnesota and Wisconsin?" They thought they could compete on a 65-cent rate per hundred. The railroads said, "We do not think you can compete on a 65-cent rate. If you will go into the business, however, with sufficient capital, so that you will give us loaded trains each way, we will give you a 50-cent rate, or a 40-cent rate, if that is necessary." And a 40-cent rate, I believe, was given.

Mr. President, that was a simple proposition, having for its object the development of the lumber industry of the Pacific

coast and the development of the farming industry in my own State.

Under that agreement lumber was carried from the Pacific coast into the Red River Valley at a cost that barely more than paid the cost of running trains one way. Had Minnesota and Wisconsin been given comparatively favorable rates, then all of the forests of Oregon and Washington would have been to-day in their primeval beauty and grandeur. It was by reason of this discrimination that we have been enabled to build up the great lumber industry on the one hand, and that we have been enabled to build up the agricultural section upon the other hand. If we were to take away that discrimination to-day, the discrimination that the West enjoys in the matter of these freights, then all of our prosperity would vanish like frostwork in the morning sun.

Mr. CLAPP. Will the Senator pardon a short question?

Mr. McCUMBER. Certainly; though I will be through in a short time.

Mr. CLAPP. I do not like to interrupt a Senator speaking, but I should like, if the Senator can, to have pointed out a single word in the House bill that would enable the Commission to interfere with that condition beyond what they might have interfered with it under the original bill as it stands to-day as a law.

Mr. McCUMBER. One of two things is certain under this bill. Either the Commission will have the power to determine what are just and reasonable rates or it will not have that power. If it has that power, it has got to base its decision upon something. If it bases its decision upon the North Atlantic differential theory that it has promulgated, it will be bound to follow the theory I have suggested. If it bases it upon any other theory, then you would have as many different kinds of reasonable rates as there are railways in the United States.

I know of no system, I will say to the Senator from Minnesota, whereby the Commission can determine what is a reasonable rate without absolutely destroying all the relations of one road to another and bringing about a chaotic condition in transportation, unless it takes into consideration the question what would be reasonable on other roads and what other roads can haul the freight for.

Mr. CLAPP. If the Senator will pardon me again, he must concede that before the Commission under the new law can ascertain a reasonable rate the Commission must first be justified in condemning the existing rate. The Senator is undoubtedly familiar with the decisions of the Supreme Court in regard to the long and short haul clause of the existing law. I undertake to say that there is not a line, or word, or syllable in this bill which enlarges the power of the Commission as to the long and short haul clause as found in the existing interstate-commerce law. If the Commission would not find those rates unreasonable under the existing law, clearly they could not in the place of those rates substitute an alleged reasonable rate under the proposed law.

Mr. McCUMBER. Mr. President, let me come down still closer to the point. I will not give the exact figures, but I will give enough to show the result. I will give a good illustration. We will say that a carload of wheat carried from my city to the Senator's city or Minneapolis, where we market it, is carried by the roads at \$50 per car. Now, that same car is loaded at the same place and carried back to the same city where it started for \$100 per car.

This is done under a system which has been adopted by the railways that it is for the best interest of our country; that we get these benefits for the things we ship out rather than the things we ship in; that while we ship out 3,000 bushels of wheat, for instance, if it is but \$50 a car, we will save 5 cents a bushel more than we would upon an equalization of those rates. To be sure, when we ship something in it will cost more. It may cost us 5 cents more for a pitchfork, but while selling 3,000 bushels of wheat we do not buy back 3,000 pitchforks, and hence we are really benefited by this discrimination.

Now, suppose the Interstate Commerce Commission is called upon to decide that the rate from Minneapolis to my town at \$100 a car is excessively high, what evidence will they receive? One of the things that would necessarily be submitted is that the railway company hauled the same car the other direction for only \$50, and if they can haul it one direction for \$50 they can haul it the other direction for \$50. They may cut down on the \$100 rate, but the chances are if they do cut down on the \$100 rate on the ground that it is excessive, the company will make up on the \$50 rate, which is the real rate that benefits us, and the only one that amounts to anything to us, and will make it cost all the more to move our products eastward.

Mr. CLAPP. I will ask the Senator if that could not be done under the existing law, provided the Commission could find successfully that the \$100 rate is an unreasonable rate? Is there anything in the existing law to prevent the Commission from attacking that rate?

Mr. McCUMBER. The Commission will attack the \$100 rate. I am assuming now that they hold that it is unreasonable, and that they hold that instead of the \$100 rate they could well afford to carry freight for \$75 westward. Now, what is the railway going to do with the other \$25? They will probably—

Mr. CLAPP. That is a violation of the existing law.

Mr. McCUMBER. Just a moment, Mr. President. They probably will attach it to the eastward haul, because the eastward haul already may be low, and the railway can not afford to carry both ways at a less amount. In other words, they must have \$150 for hauling that car both ways. I want to let them have the opportunity to differentiate in favor of the eastward haul, and I would not willingly put it in the hands of the Commission to say that they shall not have that power.

Now, Mr. President, a word before closing. A work half done had better be left undone. Unless this Commission can properly consider everyone of the freights that it will be called upon to consider, it seems to me that we ought not to force it upon them, or even expect them to do it or allow them to do it.

Mr. President, I make no claim to expert knowledge on the subject of railroad rate making. There are, however, a few basic principles relative to the subject which, if not known by every person, are at least understood by those who have given the subject even casual consideration, principles which ought not to be lost sight of. We know, in a general way, how these rates are arrived at. The official charged with the rate-making power on any great line of railway receives daily reports from every station along the line as to condition of crops, business, the amount of produce that will be required to be moved from each station, etc. Not only this, but he receives information directly or indirectly from points along every other railway system. Those lines he must utilize and those which are in competition with his line. He must study the market of the entire nation and the entire world. He must constantly have before him the schedules of charges for all ocean traffic, and the amount of that traffic, because he must fix his rates in accordance with it. He must understand exactly what the variation of a half cent per hundred pounds on any commodity between any points will have upon the rates and charges and business of other lines, as well as his own, so that, in fact, every agent, every employee in every station along every line of railway does his part in imparting information which shall be the basis of fixing rates from day to day. I therefore do not exaggerate when I say that it takes an army of 50,000 men to make railroad rates for the railroads of the United States. Now, we propose to place this extraordinary power in the hands of five men, who, though they be giants in intellect, could not consider the one-hundredth part of 1 per cent of the things which properly should be considered in the matter of rate making.

I judge from the remarks of the Senator from Massachusetts [Mr. Lodge] that if he pays the Commissioners twice as much he will make them twice as intellectual. I will hardly agree with that proposition, Mr. President. I think that though their intellect be gigantic and a thousandfold multiplied they could not consider properly one-quarter of the rates that would naturally come before them, because I believe that as soon as that rate-making power is given it will be followed by applications from nearly every great commercial city to secure lower rates or preferential rates to its own particular locality for the very purpose of securing its own prosperity; and if they are not successful in that way they will get in as defendants for the purpose of preventing some other city from getting the preferentials, and the Commission will be naturally overwhelmed with a great amount of work.

I am informed that there are more than 100,000 schedules of rates filed every year with this Commission. That means 320 for every working day in a year. It means 40 for every working hour. Now, how can we expect a Commission to take into consideration and justly consider every one of these propositions, which must be determined not alone on value, but on a thousand other conditions, such as the inequalities of bonded indebtedness, inequalities of cost of construction, inequalities of a thousand other kinds, which must necessarily be taken into consideration in the matter of fixing and determining even what shall be considered as a fair and reasonable rate.

Mr. President, the Commission have declared a rule that they will follow, and it seems to me that they will be compelled to follow the rules which they have laid down in this North Atlantic differential case.

Mr. President, a word before closing. All who have written about the conditions in the old country agree that granting the rate-making power to any political commission has worked disastrously to every one of those inland cities which did not have the benefit of water transportation. We have no water transportation to amount to anything in this country, and I conceive it would be much worse in this country than in the old. I take just a little excerpt from the testimony of Mr. Meyer, given before the Interstate Commerce Commission. He says:

The experience of all such countries has been to bring into politics the question of reasonable rates and the great question of conflict of sectional interests, which is an incident necessary to the development of a country; and the ultimate result has been that railway rates have become inelastic and finally have ceased to decline; they have become stationary and have remained so.

The result of that has been to paralyze commerce to a very large extent, the railways as effective agents for the development of commerce, and the resources of a country; and unless there has been the possibility of escape from that paralysis through a recourse to a means of transportation that was abandoned in this country in the seventies, namely, by river and canal, the effect has been absolutely disastrous.

And, again, he says, speaking of what the result of the German ownership or fixing of rates has been:

Berlin has lost all its import trade in petroleum, except trade dependent upon petroleum consumed in Bremen and the immediate neighborhood; and the petroleum import trade has gone entirely to Hamburg for eastern Germany, which distributes by means of the Elbe and then then the canal from Berlin, and then the Oder.

On the other hand, for western Germany the petroleum trade has gone entirely to Rotterdam and Mannheim, which is the head of navigation of large vessels on the Rhine, at the point where the Main empties into the Rhine.

And so the hard and fast rules enforced upon railway carriage in the German Empire have had the effect of totally destroying business in some centers and moving it to others, have built up some sections—namely, those with extra facilities for water transportation—and have destroyed those centers which depend wholly upon railway transportation. The like is also true in Australia. The interior is as much a desert to-day as it was a hundred years ago. On the other hand, the whole interior section of our country has been built up, because of the constant endeavor of each line of railway to make the country contiguous to its line prosperous, even at the expense of sinking millions upon millions of dollars in making rates so low that other sections of the country could not for a time compete.

Mr. President, there are about one and one-fourth million voters employed by the railroads of the United States. At present each one of this great army must deal separately with the organization that controls the particular railroad in which he is employed. Some of those railroads, which are operating upon their own systems, upon their own theories, contemplate improvements in one direction, some of them in another direction; and all these matters of expenses and improvements are considered in determining what they can pay their employees; but, now, when you substitute and project this political body into the management of the railways of the country, even to a slight degree, does anyone for a single moment believe that this immense political influence will not make itself felt, first, in demands before this commission for higher wages; second, for shorter hours, and third, for smaller train loads, etc.? If they appeal there in vain, does anybody for a single moment believe that they will not make stupendous power felt in the only body that is back of this great political power—the Congress of the United States? For my part, I say, Mr. President, Heaven pity the nation when it is wholly at the mercy of all the great trusts and of all these political combinations in the United States.

I am informed that when Germany took over the railways from private to public ownership, she foresaw all of these great dangers, and she disfranchised everyone of the employees. That would be contrary to our idea of government, and it could never be done in this country; but it shows that we shall more and more and to a greater extent be subjected to these great political organizations and influences if we once bring the Government down from its lofty function of governing to that of taking part in the business industries of the country.

The bill contains amendments to the old law that will assist in its better enforcement, and I will cheerfully support those provisions. If this other provision, which I believe will be detrimental to all but a few great seaports and possibly some other lines of railway, is adopted, then, in my judgment, both for constitutional reasons and for fair play, I believe the courts should be open, with provisions for speedy determination to all persons interested alike.

Mr. President, since the day of Magna Charta, which insured for all time the right of every man to a fair trial, no principle has been more sacredly cherished or protected by all English-speaking races. While litigation in late years may be slow and often hampered with trivial technicalities, still, when we compare it with trials by departments or boards or courts-martial,

its superiority stands out grandly above all other methods of determining the personal or constitutional rights of the citizen. And I, for one, do not believe that the time has come or any condition has arisen which demands the substitution of a political board for a judicial tribunal.

Mr. President, in closing I only want to say one other thing. It has been reiterated here again and again with impassioned declamation that, unless we take this first step toward socialism, the placing of the rate-making power in the hands of a political commission, the people will rise in their majesty and compel us to take another one, and that is government railway ownership; in other words, that if we do not do one great wrong, the people will rise and compel us to do a still greater wrong.

But the people, as a whole, do not want and do not ask their representatives to do anything but right. Whenever the people have understood a subject they have never yet, by their vote, allowed any great wrong to be perpetrated by us, much less perpetrate it themselves. The people not only want their representatives to do the right thing, but they want them to do the right thing in the right way.

Mr. President, I need give but a single illustration of the ability of the people themselves to change their own minds when they have duly considered a matter. I call attention to the great campaign of 1896 between the gold standard and free silver. During that campaign had there been a vote had by the people of the United States during the months of July, August, September, or even in the early part of October, the advocates of the gold standard would have gone down to destruction before an avalanche of American votes. Our school-houses throughout the entire country, devoted to the education of youth during the day, were given up in the evenings for the education of bearded men. We were told at that time that our silver money had been surreptitiously demonetized some years before, that there would be necessarily a great contraction of the currency to the benefit of the wealthy people of the country and to the detriment of the poor. They fought it out in argument; and on that day of November when the question was determined the people of the United States completely changed their first conclusion; and they did the best thing, Mr. President, that was ever done in this country, for if we had adhered to that policy, notwithstanding all of the savings and all the great accumulation of gold since that time and the wealth which the mines have developed, our money would not have been worth more than 40 cents on the dollar in its purchasing value as compared with what it is to-day.

So, Mr. President, I have confidence that the people are not themselves insisting that we shall surrender our own judgment upon any particular phase of this case. I am sincere in my belief that that portion of the bill which changes the rate-making power from the railways to a political body will be to the detriment of the people, and I do not feel that I am acting against the interest of those people. I would be perfectly willing to submit that question wherever it may be justly and fairly heard.

I am afraid that we are substituting the press for the people in this case. I am not so certain, the matter never having gone to the people, that they will say that out of all the remedies there is one, and only one, that the Congress can conscientiously and honestly consider.

What the people want are results. They want a law that will go directly to the evil, and then they want that law enforced. They do not want the enactment of a new law which will not touch the wrong. They want a law that all rates shall be just and reasonable. They want a law that no preferences will be given to the great shipper over the small shipper. They want a law that the owners of special cars shall not have such privileges as will enable them to drive out of business concerns so small that they can not afford to manufacture their own special cars. They want a law that no rebates of any character shall be allowed any person whereby he gains an advantage over others. In a nutshell, they want simple justice and fair play. And I believe that they want another thing which the press have forgotten to agitate. The people in business, representing all characters of enterprise, are compelled to compete in the open markets of the world and against immense business interests. They therefore have a right to demand, and do demand, that the railways which carry their products shall also be compelled to compete for them; and they want no law which will allow a commission, through the rate-making power, to destroy that competition.

I have very little fear of the result this will have upon the railways themselves. I do not believe they will be greatly injured. I believe that rule will be applied which was applied in the North Atlantic differential case. I believe that the Commission will see to it that they in their determination of rea-

sonable rates will not destroy any railway if they can help it. But I am interested in what is going to be the final result upon the great interior of this country, the exact center of which I myself represent. While I am here, Mr. President, I purpose to vote according to my own judgment. I do not think the editors who have written up this question in lurid lines have given it the study that I have; I do not think they have given it the consideration that any one of the Senators here present has given it. I simply ask that in its consideration, instead of always putting our ear to the ground to get the public sentiment for the sole purpose of ascertaining which way the wind is blowing that it may blow us safely into a political port, that we shall put our ear to the ground and keep it there to hear the complaints that are being made by the people; then study out those complaints, and, under our obligations as Senators, before God do our duty according to the best of our information and our judgment in remedying the complaints.

Mr. President, I want to say finally that I will not be a party in deceiving the people into a belief that in their battle against these great combinations, the source of all their real injuries, they are going to get any remedy in this bill that will amount to anything in whatever way we may pass it.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

Mr. BEVERIDGE. I wish the Senator would withhold that motion for a moment.

Mr. KEAN. I will.

Mr. BEVERIDGE. I wish to request that there be printed for the use of the Senate in parallel columns the interstate-commerce law and the proposed law—the law of 1887 as amended by the law of 1889, in one column, and the proposed law in a parallel column opposite the sections which it is intended to amend, and that after these the Elkins law be printed, so that the Senate may have immediately at hand just what exists and precisely what is proposed, in order that the matter may be seen at a glance.

Mr. KEAN. I have no objection to the request of the Senator.

Mr. CARTER. I suggest that the compilation likewise include all the pending amendments which have been proposed.

Mr. BEVERIDGE. I had considered that, but I think it would make the document too bulky. I had thought that we could take the proposed amendments and lay them side by side in two parallel columns. My proposition is that the law of 1887, as amended by the law of 1889, which is the existing interstate-commerce law, shall be printed in one column and the proposed law in the other column opposite the sections which it is proposed to amend, and that after those two the Elkins law be printed.

Mr. KEAN. There is a print of that kind in existence at the present time.

Mr. BEVERIDGE. No; I beg the Senator's pardon.

Mr. LODGE. The Senator from Indiana wants the matter in parallel columns.

Mr. KEAN. There is a copy in my committee room.

Mr. BEVERIDGE. The print as it now exists is very, very difficult to get at. You have to cut the laws out and paste them upon paper. What I propose is that we shall have a document containing the existing law and the proposed law in parallel columns, so that it can be seen at a glance.

Mr. KEAN. I have no objection to the Senator's request, but I will furnish him with a copy made up in that way.

Mr. BEVERIDGE. It does not exist.

Mr. KEAN. I have one in my committee room, I will say to the Senator.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Indiana? The Chair hears none; and that order is made.

FREE TRANSPORTATION ON RAILROADS.

Mr. TILLMAN. Mr. President, inasmuch as the Senator from Ohio [Mr. FORAKER] introduced an amendment to the railroad rate bill yesterday afternoon, about which we had some discussion in regard to the free-pass evil, I desire to introduce and to ask the Senate to consider and pass a resolution which I send to the desk, calling for information from the Interstate Commerce Commission on that subject. It will take only a few minutes.

The VICE-PRESIDENT. The Senator from South Carolina submits a resolution, which, in the absence of objection, will be read.

The Secretary read the resolution, as follows:

Resolved, That the Interstate Commerce Commission be, and hereby is, directed to transmit to the Senate all information in the possession of the Commission showing that any railroad companies of the country, engaged in interstate commerce, are in the habit of receiving payments for the transportation of passengers not in cash paid for tickets, but in services rendered under some form of prior agreement between the railroads and the individuals or corporations using the transportation,

and particularly all information showing that a custom has existed or now exists on the part of the railroad companies of entering into advertising contracts with the proprietors of newspapers and other publications under which free passes or passage tickets or mileage books are furnished to such proprietors and charged to their account, to be paid for by publishing for the railroads their time-tables, notices of excursions, descriptions of scenery, and other miscellaneous reading matter, which publishing is charged to the account of the railroads, so that a system of running accounts, to be adjusted at convenience, is established between the railroads and the proprietors of the newspapers and other publications; and, further, to inform the Senate to what extent such customs of not collecting payments for passenger fares in money and of keeping running accounts has prevailed or now prevails between the railroads and the proprietors of newspapers and other publications, and whether such customs are contrary to the interstate-commerce law, and whether any proceedings have been at any time taken by the Interstate Commerce Commission in respect to such customs, and also to transmit to the Senate the reports and opinions of the Commission in any cases concerning such customs which have been heretofore examined and considered or are still pending and undecided in whole or in part, together with the reasons for any delay that has taken place in any such cases, and the reasons for any failures on the part of the Commission to investigate and deal with any illegalities in connection with passenger transportation which may have come to the knowledge of the Commission.

Mr. KEAN. Let that resolution go over until to-morrow morning, Mr. President.

The VICE-PRESIDENT. Under objection, the resolution will lie over.

EXECUTIVE SESSION.

Mr. KEAN. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 28, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate, March 27, 1906.

CONSUL.

Eugene L. Belisle, of Massachusetts, to be consul of the United States at Limoges, France, to fill an original vacancy.

PROMOTIONS IN THE NAVY.

Lieut. Commander Albert N. Wood to be a commander in the Navy from the 12th day of February, 1906, vice Commander George W. Mentz, deceased.

Asst. Paymaster James F. Kutz to be a passed assistant paymaster in the Navy from the 2d day of February, 1906, vice Passed Assistant Paymaster Edward T. Hoopes, promoted.

Boatswain Frederick R. Hazard to be a chief boatswain in the Navy from the 1st day of March, 1906, upon the completion of six years' service, in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

Gunner Andrew Olsson to be a chief gunner in the Navy from the 16th day of September, 1904, upon the completion of six years' service, in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

ASSISTANT SURGEONS IN THE NAVY.

Walter F. Schaller, a citizen of California, to be an assistant surgeon in the Navy from the 21st day of March, 1906, to fill a vacancy existing in that grade on that date.

Condie K. Winn, a citizen of Alabama;

John B. Kaufman, a citizen of Virginia;

Ausey H. Robnett, a citizen of Texas;

Matthew H. Ames, a citizen of Maryland, and

William S. Kuder, a citizen of Pennsylvania.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 27, 1906.

PROMOTIONS IN THE NAVY.

Boatswain Daniel Moriarty to be a chief boatswain in the Navy from the 1st day of March, 1906, upon the completion of six years' service, in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

Carpenter Jacob Jacobson to be a chief carpenter in the Navy from the 9th day of February, 1906, upon the completion of six years' service, in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

Carpenter William H. Squire to be a chief carpenter in the Navy from the 20th day of February, 1906, upon the completion of six years' service, in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

POSTMASTERS.

GEORGIA.

William E. Burch to be postmaster at Hawkinsville, in the county of Pulaski and State of Georgia.

NEW YORK.

Robert M. Skillen to be postmaster at Akron, in the county of Erie and State of New York.

PENNSYLVANIA.

Jonathan C. Gallup to be postmaster at Smethport, in the county of McKean and State of Pennsylvania.

Charles Seger to be postmaster at Emporium, in the county of Cameron and State of Pennsylvania.

WASHINGTON.

Charles H. Jones to be postmaster at Arlington, in the county of Snohomish and State of Washington.

HOUSE OF REPRESENTATIVES.

TUESDAY, March 27, 1906.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Almighty God, our Heavenly Father, who madest us to think, to will, to act, to do things, help us to think right, to choose right, to do right, that we may thus adjust ourselves to the eternal laws which environ us, that as individuals and as a nation move on to larger achievements.

Be graciously near to the Member whose companion has been taken by the Angel of Death to a larger life. Let Thine everlasting arms be about him to comfort and sustain, and help us all to realize that death is not an extinction of being, but an epoch, an event, in the grand eternal march of existence, and Thine be the praise through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

EULOGIES ON THE LATE REPRESENTATIVE PATTERSON, OF PENNSYLVANIA.

Mr. SAMUEL. Mr. Speaker, I offer the following order and ask unanimous consent for its present consideration.

The Clerk read as follows:

Ordered, That Sunday, the 15th day of April, 1906, be set apart for addresses on the life, character, and public services of Hon. GEORGE R. PATTERSON, late a Representative from the State of Pennsylvania, said services to be held immediately following the services to be held in honor of the memory of Hon. BENJAMIN F. MARSH, Hon. JOHN M. PINCKNEY, and Hon. GEORGE A. CASTOR.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The order was agreed to.

STEPHEN B. HOPKINS.

The SPEAKER laid before the House the bill (H. R. 6216) to grant an increase of pension to Stephen B. Hopkins, with a Senate amendment.

The Senate amendment was read.

Mr. SAMUEL W. SMITH. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

LEAVE OF ABSENCE.

Mr. WEBBER, by unanimous consent, obtained leave of absence, for ten days, on account of death in the family.

COMMITTEE APPOINTMENT.

The SPEAKER. The Chair announces the following committee appointment.

The Clerk read as follows:

To the Committee on Military Affairs, Mr. JAMES F. BURKE, of Pennsylvania.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. LITTAUER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 17359) making appropriations to supply additional deficiencies.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. OLCOTT in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of House bill 17359, making appropriations to supply additional deficiencies.

Mr. LITTAUER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unani-